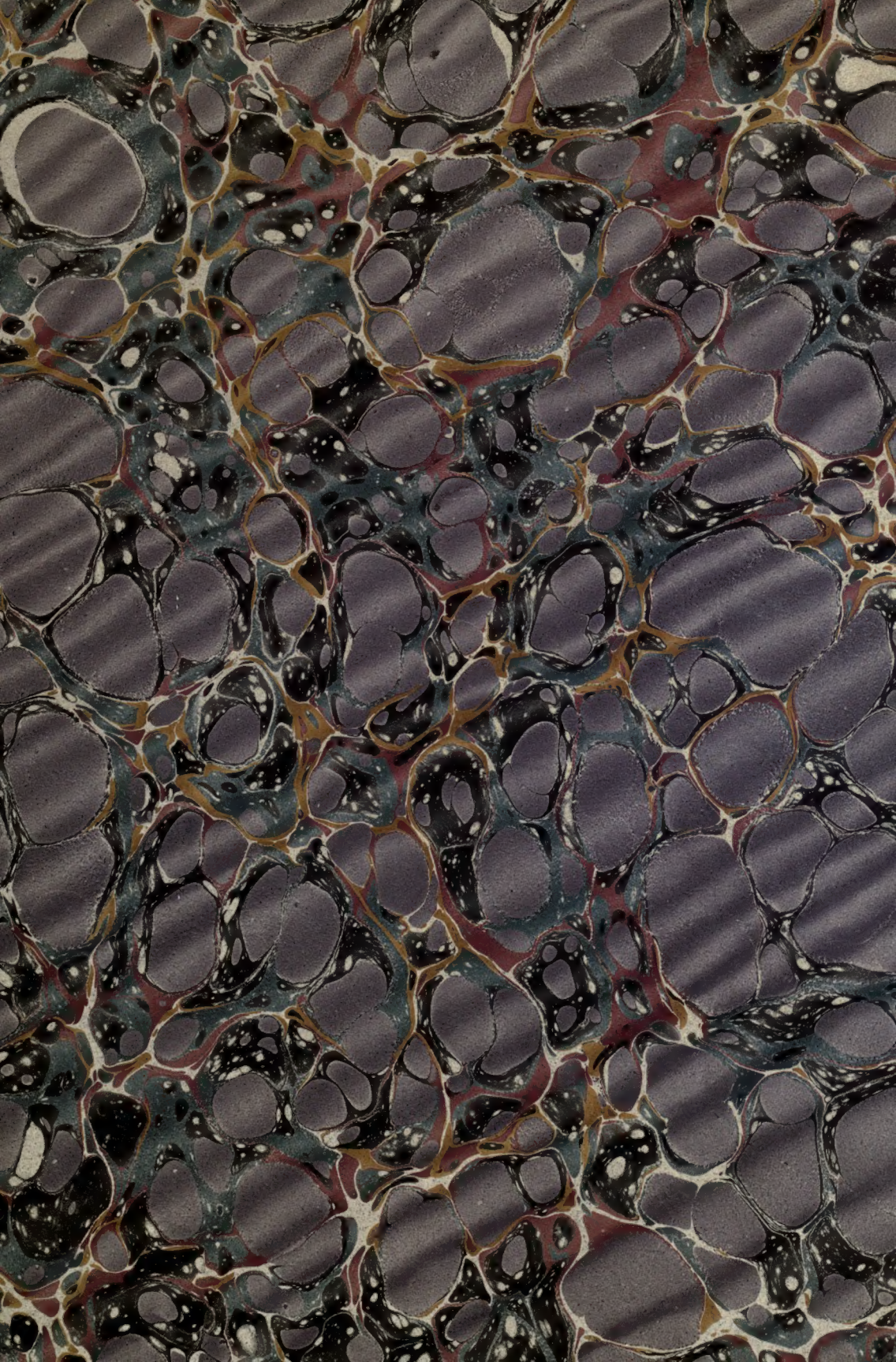




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SIR WALTER SCOTT.

OB. 1832.

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IN THE POSSESSION OF M^{rs} HARDING

THE
HISTORY
OF
SCOTLAND;
FROM
THE EARLIEST PERIOD
TO THE
PRESENT TIME.

BY
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AUTHOR OF THE "HISTORY OF IRELAND," THE "UNIVERSAL PRONOUNCING DICTIONARY," ETC., ETC.

ILLUSTRATED WITH PORTRAITS OF EMINENT SCOTSMEN AND CELEBRATED PERSONAGES
CONNECTED WITH SCOTTISH HISTORY.

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CHAPTER XIV.

COMMUNICATIONS BETWEEN THE ENGLISH PARLIAMENT AND THE SCOTS; THE KING'S PROCEEDINGS WITH REGARD TO SCOTLAND; THE SOLEMN LEAGUE AND COVENANT; THE SCOTS PREPARE TO ENTER ENGLAND.

THE proceedings of the Scots were now watched with equal anxiety by the king and by the parliament, although it was not difficult to see that there was a decided leaning towards the latter. Although their first attempt at intermediation was met only with a rebuke, they resolved to attempt another, in a more formal manner. For this purpose, after Charles's arrival at York, in the month of May, the council in Scotland sent the earl of Loudon, the chancellor, to court, to make a new offer of mediation; but Loudon found the king acting entirely under the influence of violent counsels, and he was ordered to return back immediately to Scotland for the purpose of laying before the Scottish council the king's statement of his griefs against the parliament, and of obtaining from them the dispatch to the English parliament of commissioners who were to declare that they disapproved of the proceedings of that body against their sovereign. Accordingly, on Loudon's return, a privy council was summoned for the purpose of taking the king's request into consideration. We have seen, in the king's letter to the earl of Lanark, how anxious he was to obtain some declaration in his favour from Scotland, and it was now determined to try all means to effect this object at the meeting of the council. All those of the Scottish nobles who were believed to be firmly de-

voted to the royal cause, were therefore specially invited to attend. But the opposite party were equally active, and more powerful; and, at the desire of the parliament of England, one of the Scottish commissioners in London, lord Warristoun, a zealous presbyterian and a statesman of singular abilities, was recalled, in order to give the council his statement of the events which had led to the rupture between Charles and his parliament. This meeting of council was naturally looked forward to by all parties with the greatest anxiety. The nobles of the king's party, Kinnoul, Roxburgh, and others, thought to overawe it, and influence its decision by marching into the capital with a powerful body of their vassals, and they had calculated on carrying a strong resolution of the council in favour of the king. But the watchful covenanters immediately took the alarm, and the barons and gentry of Fife and Lothian assembled their retainers, and hastened to Edinburgh in such force, that the royalists saw that any attempt on their part must be crushed in a moment. They therefore thought it prudent not to bring forward the motion in the king's favour which they had contemplated, and a numerously-signed petition, opposed to the court policy, but moderately and temperately expressed, was presented by the ministers, and received with favour. The

high royalists took the alarm, and the council was inhibited by the king from interfering any further in the matter.

Soon after the return of the earl of Loudon from York, the marquis of Hamilton arrived there, and also made an attempt to mediate between the king and his parliament. Hamilton was naturally a man of moderate principles, but in his anxiety to avoid committing himself too far with either party, he gave satisfaction to neither. Finding the king too much exasperated against the parliament to listen to reason, Hamilton tried to pacify him by subscribing for the maintenance of three-score horse in his service; and then having obtained permission to visit Scotland, he found that the mere fact of his visit to York had made him suspected by his countrymen. The marquis soon saw how weak the influence of the crown had become in the north, and he gave the king a tolerably candid account of the state of affairs, and was again urgent for a conciliation with the parliament. As Charles had made a promise to his queen, who was now on the continent, that he would listen to no terms of reconciliation during her absence, or without her consent, Hamilton recommended her immediate recall as a preliminary step to an accommodation.

In the midst of these events, on the 27th of July, the national assembly met at St. Andrews, and was opened by the earl of Dunfermline as the king's commissioner. The tone assumed by the court towards the assembly was far more submissive and respectful than on former occasions; and they were assured that the king only wished to see his Scottish subjects enjoy in security their own laws and their own religion. The king declared to them through his commissioner that he was ready to listen to all their projects of reform, and that he intended indeed to be "a nursing father to their kirk;" and he only required in return that they should abstain from any acts hostile to his authority, and that they would judge of him by his deeds. This, unfortunately for Charles's person and interests, they had long been in the habit of doing. On the other hand, it was with undisguisable satisfaction that the assembly received from the parliament of England a copy of the petition which the latter had sent to the king to deprecate the imminent dangers of a civil war. In a declaration which accompanied the copy of their petition, the Eng-

lish parliament assured the assembly of their anxious desire for reformation in church and state, and told them that they had been only hindered from carrying that desire into execution by the intrigues of a malignant party of papists and other ill-affected persons, and by the selfishness and ambition of the bishops. At the same time came a letter from some of the English clergy, declaring their attachment to the forms of presbyterianism, and expressing the hope that there might be one united church for the two countries.

The assembly agreed unanimously in a cordial answer to the communication from the English parliament, in which, after thanking God for the success which had attended their own endeavours at home for reformation and the prevention of civil war, they assured their English brethren "That the hearts of all the members of this assembly, and of all the well-affected in this kingdom, are exceedingly grieved and made heavy, that in so long a time, against the professions both of king and parliament, and contrary to the joint desires and prayers of the godly in both kingdoms, to whom it is more dear and precious than what is dearest to them in the world, the reformation of religion hath moved so slowly, and suffered so great interruption." They added that they believed that "all prelates, formal professors, prophane and worldly men, and all who were popishly affected," were in league with the powers of darkness to prevent reformation. They said that they had always held it to be of the utmost importance to the mutual interests of the two kingdoms, that there should be a uniformity of religion, and that the two kingdoms should have one confession of faith, one directory of worship, one public catechism, and one form of church government. They expressed the confident expectation, "that England would now bestir themselves in the best way for the reformation of religion," which they so earnestly sought. "The assembly also," they said, "from so many real invitations, are heartened to renew the proposition made by the aforementioned commissioners of this kingdom for the beginning the work of reformation at the uniformity of kirk-government; for what hope can there be of unity in religion, of one confession of faith, one form of worship, and one catechism, till there be first one form of ecclesiastical government? yea, what hope can the kingdom and kirk of Scotland have of a firm and durable peace,

till prelacy, which hath been the main cause of their miseries and troubles first and last, be plucked up root and branch, as a plant which God hath not planted, and from which no better fruit can be expected than such sour grapes as this day set on edge the kingdom of England? The prelatical hierarchy being put out of the way, the work will be easy, without forcing any conscience to settle in England the government of the reformed kirks by assemblies; for although the reformed kirks do hold, without doubting, their kirk officers and kirk government, by assemblies higher and lower in their strong and beautiful subordination, to be *jure divino* and perpetual; yet prelacy, as it differeth from the office of a pastor, is almost universally acknowledged by the prelates themselves and their adherents to be a human ordinance, introduced by human reason, and settled by human law and custom, for supposed conveniency; which, therefore, by human authority, without wronging any man's conscience, may be altered and abolished upon so great a necessity, as is a hearty conjunction with all the reformed kirks, a firm and well-grounded peace between the two kingdoms, formerly divided in themselves and betwixt themselves by this partition wall, and a perfect union of the two kirks in the two nations, which, although by the providence of God in one island and under one monarch, yet ever since the reformation, and for the present also, are at great difference in the point of kirk government, which in all places hath a more powerful influence upon all parts of the same religion than in any other reformed kirks, although in nations at greatest distance and under divers princes. What may be required of the kirk of Scotland for furthering the work of uniformity of government, or for agreeing upon a common confession of faith, catechism, and directory for worship, shall, according to the order given by this assembly, be most willingly performed by us, who long extremely for the day when king and parliament shall join for bringing to pass so great, so good a work; that all wars and commotions ceasing, all superstition, idolatry, heresy, sects, and schisms being removed, as the Lord is one, so his name may be one amongst us, and mercy and truth, righteousness and peace, meeting together, and kissing one another, may dwell in this island." This paper was dated on the 3rd of August. The assembly expressed similar sentiments in their reply to

the ministers, as well as in a supplication addressed to the king. The individual chosen to be the bearer of these papers was lord Maitland, who at this time was in the confidence of the presbyterians, but who became notorious under a subsequent reign by the title of earl of Lauderdale.

The English parliament responded to the declaration of the assembly by a resolution, in which they assured that body that they were moved by the same sentiments and with the same aspirations. "Having with much contentment," they said, "perused the brotherly and christian answer which the general assembly of the church of Scotland have made unto the declaration formerly sent unto them from us, and finding therein great expressions of love to this church and kingdom, and of prudence and faithfulness in propounding those things which may conduce to a more close and firm union of the two churches and nations of England and Scotland, in preserving and maintaining the truth and purity of the reformed religion, not only against popery, but against all other superstitious sects and innovations whatsoever, have thereupon resumed into our consideration and care the matters concerning the reformation of church government and discipline, which we have often had in consultation and debate since the beginning of this parliament, and ever made it our chiefest aim, though we have been frequently interrupted and powerfully opposed in the prosecution and accomplishment of it. And however we continue still in the storm and conflict, finding small abatement of difficulty and much increase of malignity and perverseness in the opposition wherewith this great and necessary work of reformation is encountered, yet we heartily thank God and rejoice with our brethren of Scotland for that peace, liberty, and preservation which God hath afforded them, taking it as a pledge and earnest of the like mercy intended to us in his good time; and hoping that he will not only free us from the most grievous and destructive miseries and calamities of a civil war, but graciously perfect our designs and endeavours of a full reformation in all matters appertaining to religion; which, as it is the greatest honour and service which God receives from his people, so we acknowledge with our brethren, that it is the surest foundation of glory, strength, and happiness, which he bestows upon any nation." The English parliament proceeded to excuse their

apparent slowness in the work of reform by the great difficulties with which they had to contend, but they gave full gratification to the Scottish presbyterians in their declaration against the bishops. "The main cause," they said, "which hitherto hath deprived us of these and other great advantages which we might have, by a more close union with the church of Scotland and other reformed churches, is the government by bishops, which to strengthen itself hath produced many other differences in discipline and ceremonies betwixt them and us, and is apt to work in the minds of those who are the approvers and defenders of it such a distaste of and opposition to those churches, as makes us despair of that most beneficial and desirable conjunction with them, until this great impediment be removed. Whereupon we have entered into a serious consideration what good we have received from this government of bishops, which may counter-vail such a loss and inconvenience; and we are so far from apprehending any satisfaction herein, that we plainly perceive it a cause of many other calamities, dangers, and intolerable burthens, being a dishonour to God, by arrogating to themselves a pre-eminence and power which he hath not given them, by prophaning the purity of his ordinances with the mixture of their own injunctions, by withstanding the frequent and powerful preaching of the gospel, that so their usurped authority might receive more easy admittance into the ignorant, misguided consciences of men, by corrupting the ministry with pride, ambition, covetousness, idleness, and luxury, by suppressing the spiritual power and efficacy of religion, and turning it into formality and pomp, by inclining to popery, the principles thereof being suitable to that government, and contrary to those principles which were the first grounds of reformation. We likewise find it most pernicious to the civil state and commonwealth, in that the bishops have ever been active to infuse into our kings such tenets and positions as are contrary to the fundamental laws of the kingdom, and apt to introduce tyranny and an arbitrary power over the lives, liberty, and property of the subject; and that they have been forward to incite the king against his people, and by force of arms to constrain them to submit to such an arbitrary government; and by unlawful contribution of money to assist his majesty in making war upon his subjects, whereof there are

many evidences, both in those preparations which not long since were made to invade Scotland, and in the war now raised against the parliament and kingdom of England; and yet they have shown themselves so ambitious of sovereignty, that they forbear not to maintain in sermons and printed books, that the king's sceptre ought to submit to Aaron's rod, and the mitre to be above the sword; which argues in them an antichristian spirit, to exalt themselves above all that is called God, and a design (when they have brought the kingdom to be disposed at their pleasure) to subject his majesty to their own arbitrary censures, that themselves may triumph in the bondage both of king and people. Upon all which and many other reasons, we do declare, that this government by archbishops, bishops, their chancellors and commissaries, deans and chapters, archdeacons and other ecclesiastical officers depending upon the hierarchy, is wily and justly offensive and burthensome to the kingdom, a great impediment to reformation and growth of religion, very prejudicial to the state and government of this kingdom; and that we are resolved that the same shall be taken away. And according to our former declaration of the 7th of February, our purpose is to consult with godly and learned divines, that we may not only remove this, but settle such a government as may be most agreeable to God's holy word, most apt to procure and conserve the peace of the church at home and happy union with the church of Scotland and other reformed churches abroad, and to establish the same by a law which we intend to frame for that purpose, to be presented to his majesty for his royal assent. And in the meantime humbly to beseech his majesty, that a bill for the assembly may be passed in time convenient for the meeting to be by the 5th of November next, the miserable estate of church and kingdom not being able to endure any longer delay. This being the resolution of both houses of parliament, we do desire our brethren of Scotland to concur with us in petitioning his majesty, that his royal authority may be applied to the conservation of a firm unity between the two kingdoms; and that they likewise will think good to send to the same assembly some godly and learned divines of that church, whereby a uniformity in form of church government may be obtained, and thereby a more easy passage made to the settling of one confession of

faith, one liturgy, or directory of the public worship, and one catechism, in all three kingdoms, which we hope, through God's blessing, will have such an effect in all his majesty's dominions, as will much advance the honour and service of God; enlarge the greatness, power, and glory of the king; confirm the peace, security, and prosperity of all his good subjects; make way to the relief and deliverance of the poor afflicted churches abroad; and to the total abolishing of the usurpation and tyranny of Rome, being the prime cause and fountain of all the miseries and calamities, the bloody massacres, outrages, cruelties, and bitter persecution of God's people in all the christian world for many ages."

This explicit declaration of the English parliament was highly satisfactory to the Scots, who, in reply to the invitation with which it concluded, proceeded immediately to the choice of ministers to be sent to the assembly of divines, who were appointed to meet at Westminster in November. The general assembly also requested the privy council to join them in a petition to the king on the subject of uniformity, and they urged the necessity of immediately assembling the "conservators of the peace," a court or commission appointed by the last Scottish parliament, for the particular purpose of watching over the conservation of the articles of the treaty with England. Hamilton and the king's friends vainly opposed the latter proposal, and the chancellor Loudon was ordered by the council, in consideration of the troubles in England, to summon the conservators of the peace to meet without delay. It was about the same time that the king returned an answer to the joint petition of the assembly and the council for uniformity of religion, which, from its equivocal and evasive tone, helped to ruin the king's interest in Scotland. Charles told the council that he had always been desirous of effecting a uniformity of church government in the three kingdoms, and that he should cheerfully join with them in promoting it, "whenever any proposition shall be made to us, which we shall conceive may any way advance the unity of the true protestant religion, according to the word of God, or establish the church government according to the known laws of the kingdom." "But," he said, "as for joining with our houses of parliament here in this work, it were improper at this time to give any answer, for since their meeting

they have never made any proposition to us concerning unity of religion or uniformity of church government; so far are they from desiring any such thing, as we are confident the most considerable persons, and those who make fairest pretensions to you of this kind, will no sooner embrace a presbyterial, than you an episcopal. And truly it seems, notwithstanding whatsoever profession they have made to the contrary, that nothing hath been less in their minds than settling of the true religion, and reforming such abuses in the church government, as possibly have crept in, contrary to the established law of the land." Immediately after the delivery of this letter, about the end of August, the Scottish commissioners returned home, upon which the council, to keep up their correspondence with the English parliament, sent the earl of Lindsay and sir John Smith to be their residents in London. The king was highly offended at these proceedings; he said that if the two envoys of the council were sent in accordance with the act of parliament appointing commissioners to arrange the treaty, they were not a quorum; and he asked indignantly, how the council presumed to act in such a matter without his orders, if they had sent them on their own authority. Unwilling, however, to give up all hope of gaining over the Scots to his interests, he not only sent a warrant to the earl of Loudon, the chancellor, for assembling the conservators of the peace, but he allowed Lindsay and his colleague to proceed to London under pretence of watching over the observance of the treaty.

Meanwhile Hamilton, with Murray of the bed-chamber (afterwards earl of Dysart,) who had been sent by the king to assist him in his intrigues, was tampering with the nobles of the presbyterian party; and he had gained so far on Argyle, Loudon, and others, that they were inclined to trust Charles's assurances of his desires for peace, and to support him in any negotiations he might be inclined to open with the parliament. The conservators of the peace showed the same favourable leaning, and, after making a very respectful acknowledgment of a letter which the king had addressed to them, they acted upon Hamilton's suggestion, and petitioned him that he would invite the queen to return to England for the purpose of mediating between him and his parliament. In this petition, which was signed by Argyle, Loudon, Warriston,

Alexander Henderson, and other chiefs of the covenanters, as well as by the noblemen of the court party, they not only pledged themselves to protect the queen's person, and to secure to her the free exercise of her own religion, but they promised to support the king, if the English parliament refused to listen to terms of reconciliation. The king encouraged them in the belief that their proposal was acceptable to him, with the view only of hindering them from joining his opponents, until, encouraged by the promising state of his affairs after the battle of Edgehill in October, he threw off the mask and refused to recall the queen, on the pretence that he was unwilling to hazard her person. The conservators, who had been led by their over-confidence in him to make preparations for sending for the queen, were much disappointed, and at their next meeting they showed far less zeal; but they still offered their mediation, and wrote to the king for a safe-conduct for commissioners to be sent to the English parliament for that purpose. Hamilton saw the evil effects which the king's decision would necessarily produce in Scotland, and at his request the king sent the earl of Lanark to assist him in managing the covenanters. But, although the king's friends strained every nerve to support his cause among the Scots, the time was now passed when they might entertain any hopes of success, the last of which were now destroyed by his peremptory declaration, conveyed by Lanark to Hamilton, of his resolution to make no concessions.

In this position of affairs in the north, while the king's party in England was becoming more and more formidable, the English parliament, on the 7th of November, addressed the following declaration "to the subjects of Scotland:"—"We the lords and commons assembled in the parliament of England, considering with what wisdom and public affection our brethren of the kingdom of Scotland did concur with the endeavours of this parliament and the desires of the whole kingdom, in procuring and establishing a firm peace and amity between the two kingdoms, and how lovingly since they have invited us to a nearer and higher degree of union in matters concerning religion and church government, which we have most willingly and affectionately embraced and intend to pursue, cannot doubt but they will with as much forwardness and affection concur with us in settling peace in this

kingdom and preserving it in their own; that so we may mutually reap the benefit of that amity and alliance, so happily made and strongly confirmed betwixt the two nations. Wherefore, as we did about a year since, in the first appearance of trouble then beginning amongst them, actually declare, that in our sense and apprehension of the national alliance betwixt us, we were thereby bound to apply the authority of parliament and power of this kingdom to the preservation and maintenance of their peace; and seeing now that the troubles of this kingdom are grown to a greater height, and the subtle practices of the common enemy of the religion and liberty of both nations do appear with more evidence, strength, and danger than they did at that time; we hold it necessary to declare that in our judgment the same obligation lies upon our brethren by the afore-mentioned act, with the power and force of that kingdom to assist us in repressing those amongst us who are now in arms and make war, not only without consent of parliament, but even against the parliament and for the destruction thereof. Wherefore we have thought good to make known to our brethren that his majesty hath given commission to divers eminent and known papists, to raise forces and compose an army in the north and other parts of this kingdom, which is to join with divers foreign forces, intended to be transported from beyond the sea, for the destruction of this parliament and of the religion and liberty of the kingdom; and that the prelatical part of the clergy and their adherents have likewise invited his majesty to raise another army, which in his own person he doth conduct against the parliament and the city of London, plundering and robbing several well affected towns within their power; and that in prosecution of their malice, they are so presumptuous and predominant of his majesty's resolution, that they forbear not those outrages in places to which his majesty hath given his royal word and protection; a great cause and incentive of which malice proceeds from the design they have to hinder the reformation of ecclesiastical government in this kingdom, so much longed for by all the true lovers of the protestant religion. And hereupon we further desire our brethren of the nation of Scotland, to raise such forces as they shall judge sufficient for securing the peace of their own borders against the ill-affected persons there; as likewise to assist us in suppressing the army of papists

and foreigners, which, as we expect, will shortly be on foot here, and if they be not timely prevented, may prove as mischievous and destructive to that kingdom as to ourselves. And though we seek nothing from his majesty that may diminish his just authority or honour, and have by many humble petitions endeavoured to put an end to this unnatural war and combustion in the kingdom, and to procure his majesty's protection and security for our religion, liberty, and persons, according to that great trust which his majesty is bound to by the laws of the land, and shall still continue to renew our petitions in that kind; yet, to our great grief, we see the papistical and malignant counsels so prevalent with his majesty, and his person so engaged to their power, that we have little hope of better success of our petitions than we formerly had, and are thereby necessitated to stand upon our just defence, and to seek this speedy and powerful assistance of our brethren of Scotland, according to that act agreed upon in the parliaments of both kingdoms, the common duty of christianity, and the particular interests of their own kingdom. To which we hope God will give such a blessing, that it may produce the preservation of religion, the honour, safety, and peace of his majesty and all his subjects, and a more strict conjunction of the counsels, designs, and endeavours of both nations for the comfort and relief of the reformed churches beyond sea."

A copy of this declaration was delivered to the earl of Lindsay, as the principal of the Scottish commissioners in London; but he, instead of dispatching it immediately to the council in Scotland, forwarded it to the king, who kept it a month, until he had drawn up a counter-declaration, in the form of a message to the Scottish council, and then he sent both papers to Scotland together. The king's message, which was dated from Oxford, on the 6th of December, was as follows:—"Right trusty and right well-beloved cousins and councillors, and right trusty and well-beloved councillors, we greet you well. We have lately seen a paper presented to us by the earl of Lindsay, as a declaration of the lords and commons assembled in the parliament of England, of the 7th of November, to our subjects of our kingdom of Scotland; which, after many high taxes of us and our government, very earnestly invites and in a manner challenges assistance from that our native kingdom, of

men and arms, for making a war against us, making a claim to that assistance by virtue of the late act of pacification, to the which (out of our desire to make a perpetual union between our two kingdoms, for the happiness of both, and by it the more firmly to establish our own greatness and just power) we cheerfully consented. As we are at our soul afflicted, that it hath been in the power of any factious, ambitious, and malicious persons, so far to possess the hearts of many of our subjects in England, as to raise this miserable distemper and distraction in this kingdom, against all our real actions and endeavours to the contrary; so we are glad that this rage and fury hath so far transported them, that they apply themselves in so gross a manner to our subjects in Scotland, whose experience of our religion, justice, and love of our people, will not suffer them to believe those horrid scandals laid upon us, and their affection, loyalty, and jealousy of our honour will disdain to be made instruments to oppress their native sovereign by assisting an odious rebellion. We have from time to time acquainted our subjects of that kingdom with the accidents and circumstances which have disquieted this; how (after all the acts of justice, grace, and favour, performed on our part, which were or could be desired to make a people completely happy) we were driven by the force and violence of rude and tumultuous assemblies from our city of London and our two houses of parliament; how attempts have been made to impose laws upon our subjects, without our consent, contrary to the foundation and constitution of this kingdom; how our forts, goods, and navy were seized, and taken from us by force, and employed against us; our revenue and ordinary subsistence wrested from us; how we have been pursued with scandalous and reproachful language; bold, false, and seditious pasquils and libels publicly allowed against us; and been told that we might, without modesty and duty, be deposed. Now, after all this (before any force raised by us) an army was raised, and a general appointed to lead that army against us, with a commission to kill, slay, and destroy all such who should be faithful to us; that when we had been by these means compelled by the assistance of our good subjects to raise an army for our necessary defence, we sent gracious messages, earnestly desiring that the calamities and miseries of a civil war might be prevented by a treaty,

and so we might know the grounds of this misunderstanding, how we were absolutely refused to be treated with; and how at last the army (raised, as was pretended, for the defence of our person) was brought into the field against us, gave us battle, and (though it pleased God to give us the victory) destroyed many of our good subjects, with as imminent danger to our own person and our children as the skill and malice of desperate rebels could contrive; of all which and the other indignities which have been offered us, we doubt not the duty and affection of our Scottish subjects will have so just a resentment, that they will express to the world the sense they have of our sufferings. And our good subjects of Scotland are not, we hope, so great strangers to the affairs of this kingdom, to believe that this misfortune and distraction is begot and brought upon us by our two houses of parliament (though in truth no unwarrantable action against the law can be justified even by that authority), they will know how the members of both houses have been driven thence, insomuch that of above five hundred members of the house of commons there are not now there above eighty, and of above one hundred of the house of peers, not above fifteen or sixteen; all which are so awed by the multitude of anabaptists, Brownists, and other persons desperate and decayed in their fortunes, in and about the city of London, that in truth their consultations have not the freedom and privilege which belongs to parliaments. Concerning any commissions granted by us to papists to raise forces, we must refer our good subjects to a declaration lately set forth by us, upon the occasion of that scandal, which we send together with this; and for our own true and zealous affection to the protestant religion (the advancement whereof our soul desires) we can give no other instance than our constant practice, on which malice itself can lay no blemish, and those many protestations we have made in the sight of Almighty God, to whom we know we shall be dearly accountable, if we fail in the observation. For that scandalous imputation of our intention of bringing in foreign forces, as the same is raised without the least colour or shadow of reason, and solemnly disavowed by us in many of our declarations, so there cannot be a clearer argument to our subjects of Scotland that we have no such thought, than that we have hitherto forborne to require the assistance of that

our native kingdom, from whose obedience, duty, and affection we should confidently expect it, if we thought our own strength here too weak to preserve us, and of whose courage and loyalty we shall look to make use before we shall think of any foreign aid to succour us. And we know no reasonable or understanding man can suppose our good subjects of Scotland are obliged or enabled by the late act of parliament in both kingdoms, to obey the invention which is made to them by this pretended declaration; when it is so evidently provided for by that act, that as the kingdom of England shall not make war against the kingdom of Scotland without consent of the parliament of England, so the kingdom of Scotland shall not make war against the kingdom of England without the consent of the parliament of Scotland, and what they have always declared themselves so careful of, our honour, safety, and just rights, which now undergo so great violation. This we have thought fit to say, upon occasion of this late declaration, and do commend it to you, the lords of our privy council of our kingdom of Scotland, to be communicated and published to all our loving subjects there; and if the grave counsel and advice which you derived hither by your act of the two-and-twentieth of April last had been followed here, in a tender care of our royal person and of our princely greatness and authority, then would not this face of confusion have appeared, which now threatens this kingdom; and therefore we require you to use your utmost endeavours to inform our subjects of that our kingdom of the truth of our condition, and that you suffer not the scandals and imputations laid on us by the malice and treason of some men to make any impression in the minds of our people, to the lessening or corrupting their affection and loyalty to us, but that you assure them the hardness we now undergo, and the arms we have been compelled to take up, are for the defence of our person and safety of our life, for the maintenance of the true protestant religion, for the preservation of the laws, liberties, and constitution of this kingdom, and for the just privileges of parliament; and look no longer for the blessing of heaven than we endeavour the defence and advancement of all these; and we doubt not a dutiful concurrence in our subjects in Scotland, in the care of our honours and just rights will draw down a blessing upon that nation too."

The falsehoods in the king's declaration were so evident, that it was an insult to the Scots to suppose that they could receive it as worthy of any credit, but Hamilton, Lanark, and their friends had been labouring hard to gain a majority in the privy council. When these papers were read before that body on the 20th of December, they gave rise to a very warm debate. Hamilton proposed that the king's declaration should be published, upon which Balmerino observed that this would be an act of unnecessary officiousness, because, as the parliament had not desired theirs to be published, it would be unjust to print the reply without the document to which it was intended to be an answer. Hamilton, still urging his proposal, asked if they owed as much to the English parliament as to the king; and he was seconded by Lanark, who said he had a command from the king for it. Argyle now stepped forward, and remarked that it was to little purpose they sat there, if every message was to be a command to them. The marquis now attempted to put a stop to the debate by insisting that the vote should be stated as—obey, or not obey. This, said Balmerino, was the way of proceeding with the bishops; they procured orders from the king, without advice, and then charged all who offered better counsel with disobedience. Hamilton, in reply, asked to what they meant to reduce the king's authority, if he might not remove by his declaration the aspersions which had been cast upon him. Were they afraid his subjects would have too good an opinion of him, if he were heard for himself. On a division, Hamilton carried his object, that the king's declaration should be printed, and not that of the parliament. It was then proposed by Hamilton and his friends that both the papers should be taken immediately into consideration, in order to pass a resolution upon them. This was opposed by Balmerino, who said that the English parliament had taken time in the drawing up of their declaration, and that the king had been long enough in framing his answer; if, therefore, said he, using and repeating sarcastically a phrase which had been used on a similar occasion by the king, if we discuss both in a few hours, "we were pretty fellows, i'faith." Hamilton, who felt the point of the sarcasm, became irritated, and after a stormy debate, the council separated without any other result than a complete division between the two parties in it, the covenan-

ters, and those who, by attempting to steer a middle course, were now looked upon as trimmers.

The decision of the council to print the king's declaration only, was soon known publicly, and it was also reported that the earl of Lanark had farther instructions to deliver to the council, and it was supposed that he was to ask for a warrant to raise an army to serve the king against the parliament. The alarm was instantly given, and the gentry and ministers of Fife and the counties adjacent crowded into the capital, and having consulted with the commissioners of the church, presented a petition to the conservators of the peace, requiring them to interfere, in order that the declaration of the parliament might be printed as well as that of the king, and insisting that the council should declare that their resolution to print the king's declaration did not imply their approval of it. Petitions of the same kind followed quickly from several of the counties and presbyteries. The subject was now again debated warmly in the council, and Lanark, convinced that it was useless to resist the tide of popular feeling once aroused, drew from his pocket a letter from the king, which had been written and reserved for the chance of such an emergency as now presented itself, in which Charles allowed that the publication of his declaration should not be considered as amounting to an approval of it by the council. In the end the council ordered the publication of the two declarations. Hamilton had now entirely broken with Argyle, who had become convinced again of the king's insincerity, and he renewed his intimacy with Traquair; and these two noblemen (Hamilton and Traquair), afraid that the number of petitions might influence the council to return a favourable answer to the English parliament, got up a counter-petition, which was soon spoken of by the title of "the cross petition." It was expressed in plausible language, and repeated all the specious promises and pretences with which the king had so often amused them; but it was now too late to gain credence to such a document; no minister could be found who would give his name to it, and it was signed only by the nobles of the court party and by Hamilton's own dependents. The council returned a courteous answer to this petition, without expressing any opinion upon it, but the commissioners of the kirk presented a strong remonstrance, and drew up a decla-

ration against it, which was sent round to all the presbyteries to be read from the pulpit. The result of these intrigues was injurious to the royal cause; yet they were not discontinued.

In spite of the checks they had already experienced, the covenanters seem still to have cherished the hope that a reconciliation might be effected between the king and his parliament; the conservators of the peace, in a meeting on the 24th of September, had resolved to send commissioners into England for the purpose of mediating, and they had applied both to the king and to the parliament for safe-conducts for such persons as they should think proper to employ in the negotiation. The English parliament replied at once, by sending, with a friendly letter of thanks for their wisdom and brotherly affection, a blank safe-conduct, to be filled with any names they chose, excepting only the duke of Lennox and the earl of Roxburgh, who both lay under the stigma of delinquents. The king, on the contrary, refused to send a safe-conduct, alleging that he was always ready to give free access to his person to all his good subjects, and that they might have a pass if they feared molestation from his armies. But in November, on a renewal of the application, the king was persuaded to grant the safe-conduct to the commissioners, excepting also against two persons, the lord Warriston and sir Thomas Hope of Kerse. Warriston was in effect one of the commissioners named by the council for the mission of peace, who were the earls of Loudon and Lindsay, the lord Warriston, and John Barclay, provost of Irvine. The church commissioners also sent instructions on the subject of church uniformity, which they entrusted to Loudon and Alexander Henderson.

The great object of the intrigues of the king's friends was now to hinder Warriston and Loudon from proceeding to England. The first, being excepted against by the king, did not go; but the means taken to prevent Loudon's departure were odious in the extreme, and, as it happened, unsuccessful. The earl had purchased from the king the annuities arising from tithes, which confirmed to the crown by the parliament, had been freely enjoyed by his predecessor in the chancellorship, and had not been complained of as oppressive or as illegal. Hamilton and his friends now prepared a petition to the king, in which, under the guise

of patriotism, they implored the remission of this tax, joining to it a declaration of loyalty as a mark of gratitude for the expected favour. If this petition were carried out, it would form a bond of union to the whole Hamiltonian faction, while, should the case happen otherwise, they might profit by it to represent themselves as thwarted benefactors to their country; while it was expected that the immediate effect of it would be to hinder Loudon from proceeding to London with the commissioners, or from taking any active part in opposing the king from the fear of losing this revenue. Many of the nobility signed this petition, and some of the council, who were landowners and interested in the removal of this tax, did the same. But Hamilton's design was defeated by the interference of the earl of Argyle, who protested against the irregularity of members of the council signing a petition which did not come from their body, and, the burghs having refused to sign it, it was finally relinquished on a declaration of the council that they would take the matter into consideration at the next council.

These intrigues carry us into the January of 1643. Various events had occurred in the meanwhile, which belong strictly to the history of England, and when the Scottish commissioners arrived at Oxford, in the month of February, they found the king already preparing for what turned out to be a fruitless negotiation with the parliament. On the 23rd of February, the commissioners sent the following paper to the king:—"Since we, your majesty's most humble and loyal subjects, are come into this kingdom upon a safe-conduct from your majesty and your houses of parliament, in name of the commissioners for conserving the peace between the two kingdoms, to offer our best endeavours for removing the unhappy differences betwixt your majesty and your houses of parliament, in such a way as may serve most for the good of religion, your majesty's honour, and peace of your kingdoms, and according to our duty have made our first address to your majesty; it is our humble desire, that your majesty, in your royal goodness and inclination to peace, may be pleased so far to approve our intentions and accept of our mediation, that we may be allowed by your majesty to go to the houses of parliament for their approbation thereof; that thereafter we may in all humility propose to your majesty and them the particular desires and overtures committed unto

us and conducing to so good ends." The following was the king's answer to this application:—"We have considered of your proposition, and the commission by which you are authorised to come hither, from the commissioners for conserving the peace between both kingdoms; we have likewise duly and carefully examined and weighed the act of pacification between our two kingdoms, and upon which you seem to ground your commission, and to hold yourselves warranted and obliged to contribute your utmost endeavours for unity of religion and uniformity of church government within all our dominions, and for removal of the differences between us and our two houses of parliament. There is nothing concluded in that treaty by that act which we shall not with all solemnity and constancy always observe; and hope it will be the care of all our loving subjects of both nations precisely to do so too, that the peace may be perpetually kept between them; neither is there any means we would not use to remove these unhappy differences between our two houses of parliament and us, as we have done to prevent them. But we do not yet understand that you or the commissioners for conserving of the peace between both kingdoms, are warranted and obliged by that act to interpose in these affairs and differences in our kingdom of England; and therefore we cannot, in a business which so much concerns the honour and interest of the nation, admit you under that capacity, or consent that you go so qualified to our two houses of parliament for such a mediation, until you shall make it appear to us upon what branch of that act this warrant and obligation of yours and of them that sent you is founded."

The commissioners, not yet discouraged, sent the following reply to the king's message:—"As your majesty's christian and royal inclination to peace, many times before and now again manifested in your majesty's constant profession to use all means for removing the unhappy differences betwixt your majesty and your two houses of parliament, did before our coming hither make us hopeful of good success in our employment; so did we conceive from your majesty's safe-conduct, granted unto us at our coming, our commission for that end would have been unquestionable, and our humble endeavours and mediation acceptable to your majesty. The grounds upon which it may appear that the commissioners for conserving the peace did find themselves

warranted and obliged to interpose in these affairs and differences, are at length expressed in their letter to your majesty, and in their declaration to the houses of parliament, whereupon the safe-conducts were granted; which were no other but the duty they owe to God Almighty by their national oath, to your majesty their sovereign lord by their allegiance and greatest native interest in the safety of your royal person and greatness to the kingdom of England by the public faith and fraternity, and to their own native country, your majesty's kingdom of Scotland, by nature and by the trust reposed in them by your majesty and your parliament; unto which they could not be answerable, if they should not use their best endeavours for removing these differences between your majesty and your houses of parliament, as reflecting upon that kingdom, and evidently tending to the disturbance of the common peace of the two kingdoms; knowing assuredly, that if the parliament had been sitting, they would have taken this as a matter of greatest necessity and concernment before all other things to their most serious consideration. A special obligation and warrant of this desire and duty of our mediation doth also arise from the answer which your majesty and your houses of parliament did give unto the eighth demand in the treaty of pacification, concerning unity of religion, which was not only propounded as a principal means for conserving of peace between the two kingdoms, and hath been a ground to the commissioners for conserving of the peace to insist in the same desires to your majesty as a principal means of peace, but also of divers petitions to your majesty from the general assembly and the commissioners thereof, and of your majesty's answer to them; of declarations from them to the two houses of parliament, and from the two houses of parliament to them; and of divers letters to your majesty, and declarations to the houses of parliament, from the lords of the privy council for unity of religion and uniformity of kirk government, as promising peace, prosperity, and all sorts of blessings to both kingdoms. Upon these and the like grounds did the commissioners for conserving the peace, seconded with the approbation of the lords of council, and with the joint desires of the commissioners of the general assembly, find themselves warranted and obliged to use all good means, and to contribute their utmost en-

deavours for that unity of religion and uniformity of kirk government in all your majesty's dominions, and for removing the differences betwixt your majesty and your houses of parliament; and, for these so much wished-for ends, have sent us, of their own number, your majesty's most humble and faithful subjects, who would esteem it our greatest happiness on earth, to have the honour to be instruments in so good a work; and now do again in all humility and faithfulness, according to our commission, offer our service and best endeavours to your majesty, and desire to be permitted by your majesty to go to the houses of parliament, that we may without longer delay acquit ourselves in the trust committed unto us."

Several other papers passed between the king and the commissioners, but they ended in his absolutely refusing to admit them as mediators or to summon a parliament in Scotland, for which they were instructed to petition. "His majesty wonders," he said, in concluding the correspondence, "that since his approbation of their mediation was desired, when his safe-conduct was asked, and the first was not given, when the latter was, that it should not have been easily seen by this proceeding of his majesty's, that as he never granted the first (as seeing no authority they had for such a mediation), so he only at last granted the other, as contented to hear what they could say to him upon that point, either as private persons, or to give him better satisfaction than he could give himself, what right they could pretend to any public capacity of that kind; but having heard all that they have offered, and not finding anything that warrants them in this, in any special manner, above his majesty's other subjects, his majesty cannot with reason admit of any private persons whatsoever into such a public capacity, or, with his own dignity and that of this nation, allow his subjects of another kingdom, not authorised by any law, to make themselves, under the title of mediators, umpires and arbitrators of the differences here. For the calling of a parliament in Scotland, his majesty desires to know what promise of his it is, which they mention him to have particularly expressed to his late parliament. The law which his majesty then graciously passed concerning that point, his majesty well remembers (and will justly, punctually, and religiously observe, together with all the rest consented to by him), that the parliament there shall

convene upon the first Tuesday of June, 1644, and, according to the same act will appoint one betwixt this and that day, if his majesty shall think fitting, who as he is by that very law expressed to be sole judge of that convenience, so the commissioners are neither by that nor any other law entrusted or enabled to judge thereof."

The petition of the commissioners of the general assembly breathed strongly the spirit which at this moment influenced the kirk of Scotland. "Our silence," they said, "and ceasing to present before your majesty our humble thoughts and desires at this time of common danger to religion, to your majesty's sacred person, your crown, and posterity, and to all your majesty's dominions, were impiety against God, unthankfulness and disloyalty against your majesty, and indirect approbation and hardening of the adversaries of truth and peace in their wicked ways and cruelty against our brethren lying in such depths of affliction and anguish of spirit, any one of which crimes were in us, above all others, inexcusable, and would prove us most unworthy of the trust committed unto us. The flame of this common combustion hath almost devoured Ireland, is now wasting the kingdom of England, and we cannot tell how soon it shall enter upon ourselves and set this your majesty's most ancient and native kingdom on fire. If in this woeful case and lamentable condition of your majesty's dominions all others should be silent, it becometh us to speak; and if our tongues and pens should cease, our consciences within us would cry out, and the stones in the streets would answer us. Our great grief and apprehension of danger is not a little increased, partly by the insolency and presumption of papists and others disaffected to the reformation of religion, who although for their number and power they be not considerable amongst us, yet, through the success of the popish party in Ireland and the hopes they conceive of the prevailing power of popish armies and the prelatical faction in England, they have of late taken spirit and begun to speak big words against the reformation of religion and the work of God in this land; and partly, and more principally, that a chief praise of the protestant religion (and thereby our not vain, but just, gloriation) is by the public declaration of the earl of Newcastle, general of your majesty's forces for the northern parts, and nearest unto us, transferred unto papists,

who, although they be sworn enemies unto kings and be as infamous for their treasons and conspiracies against princes and rulers as for their known idolatry and spiritual tyranny, yet are they openly declared to be not only good subjects, or better subjects, but far better subjects than protestants; which is a new and foul disparagement of the reformed religion, a notable injury to your majesty in your honour, a sensible reflection upon the whole body of this kingdom, which is impatient that any subjects should be more loyal than they, but abhorreth and extremely disdaineth that papists, who refuse to take the oath of allegiance, should be compared with them in allegiance and fidelity, and which (being a strange doctrine from the mouth or pen of professed protestants) will suffer a hard construction from all the reformed kirks. We, therefore, your majesty's most humble and loving subjects, upon these and the like considerations, do humbly entreat that your majesty may be pleased in your princely wisdom, first to consider, that the intentions of papists, directed by the principles of their profession, are no other than they have been from the beginning, even to build their Babel, and to set up their execrable idolatry and antichristian tyranny in all your majesty's dominions, to change the face of your two kingdoms of Scotland and England into the similitude of miserable Ireland, which is more bitter to the people of God, your majesty's good subjects, to think upon, than death; and whatsoever their present pretences be for the defence of your majesty's person and authority, yet in the end, by their arms and power, with a displayed banner, to bring that to pass against your royal person and posterity, which the 5th of November (never to be forgotten) was not able by their subtle and undermining treason to produce, or, which will be their greatest mercy, to reduce your majesty and your kingdoms to the base and unnatural slavery of their monarch the pope. And next, that your majesty, upon this undeniable evidence, may timously and speedily apply your royal authority for disbanding their forces, suppressing their power, and disappointing their bloody and merciless projects. And for this aid, we are with greater earnestness than before constrained to fall down again before your majesty, and in all humility to renew the supplication of the late general assembly, and our own former petition in their name, for unity of religion, and for

uniformity of church government in all your majesty's kingdoms, and to this effect for a meeting of some divines to be holden in England; unto which, according to the desire of your majesty's parliament, some commissioners may be sent from this kirk, that in all points to be proponed and debated there may be the greater consent and harmony. We take the boldness to be the more instant in this our humble desire, because it concerneth the Lord Jesus Christ so much in his glory, your majesty in your honour, the kirk of England (which we ought to tender as our own bowels, and whose reformation is more dear unto us than our lives) in her happiness and the kirk of Scotland in her purity and peace; former experience and daily sense teaching us that, without the reformation of the kirk of England, there is no hope or possibility of the continuance of reformation here. The lord of heaven and earth, whose vicegerent, your majesty is, calleth for this great work of reformation at your hands, and the present commotions and troubles of your majesty's dominions are either a preparation in the mercy of God for this blessed reformation and unity of religion (which is the desire, prayer, and expectation of all your majesty's good subjects in this kingdom); or, which they tremble to think upon and earnestly deprecate, are, in the justice of God for the abuse of the gospel, the tolerating of idolatry and superstition against so clear a light, and not acknowledging the day of visitation, the beginning of such a doleful desolation as no policy or power of man shall be able to prevent, and as shall make your majesty's dominions within a short time as miserable as they may be happy by a reformation of religion. God forbid, that, whilst the houses of parliament do profess their desire of the reformation of religion in a peaceable and parliamentary way, and pass their bills for that end in the particulars, that your majesty, the nurse-father of the kirk of Christ, to whose care the custody and vindication of religion doth principally belong, should, to the provoking of the anger of God, the stopping of the influence of so many blessings from heaven, and the grieving of the hearts of all the godly, frustrate our expectation, make our hopes ashamed, and hazard the loss of the hearts of all your good subjects, which, next unto the truth and unity of religion and the safety of your kingdoms, are willing to hazard their lives and spend their blood for

your majesty's honour and happiness. We are not ignorant that the work is great, the difficulties and impediments many, and that there be both mountains and lions in the way; the strongest let (*hindrance*), till it be taken out of the way, is the mountain of prelacy, and no wonder, if your majesty consider how many papists and popishly affected have for a long time found peace and ease under the shadow thereof, how many of the prelatical faction have thereby their life and being, how many prophane and worldly men do fear the yoke of Christ and are unwilling to submit themselves to the obedience of the gospel, and how many there be whose eyes are dazzled with the external pomp and glory of the kirk, whose minds are miscarried with a conceit of the governing of the kirk by the rules of human policy, and whose hearts are affrighted with the apprehensions of the dangerous consequences which may ensue upon alterations. But when your majesty, in your princely and religious wisdom, shall remember from the records of former times how against the gates of hell, the force and fraud of worldly and wicked men, and all panic fears of danger, the christian religion was first planted, and the christian kirk thereafter reformed; and from the condition of the present time, how many from the experience of the tyranny of prelates are afraid to discover themselves, lest they be revenged upon them hereafter? whereas, prelacy being removed, they would openly profess what they are, and join with others in the way of reformation. All obstacles and difficulties shall be but matter of the manifestation of the power of God, the principal worker, and the means of the greater glory to your majesty, the prime instrument. The intermixture of the government of prelates with the civil state, mentioned in your majesty's answer to our former petition, being taken away, and the right government by assemblies, which is to be seen in all the reformed kirks, and wherein the agreement will be easy, being settled, the kirk and religion will be more pure and free from mixture, and the civil government more sound and firm. That government of the kirk must suit best with the civil state, and be most useful for kings and kingdoms, which is best warranted by God, by whom kings do reign and kingdoms are established; nor can a reformation be expected in a common and ordinary way, expressed also in your majesty's answer; the wisest and most religious

princes have found it impossible and implying a repugnancy, since the persons to be reformed and the reformers must be diverse, and the way of reformation must be different from the corrupt way, by which defection of workmen, and corruption in doctrine, worship, and government, have entered into the kirk. Suffer us, therefore, dread sovereign, to renew our petitions for this unity of religion and uniformity of kirk government, and for a meeting of some divines of both kingdoms, who may prepare matters for your majesty's view, and for the examination and approbation of more full assemblies. The national assembly of this kirk, from which we have our commission, did promise, in their thanksgiving for the many favours expressed in your majesty's letter, their best endeavour to keep the people under their charge in unity and peace, and in loyalty and obedience to your majesty and your laws, which we confess is a duty well be-coming the preachers of the gospel. But we cannot conceal how much both pastors and people are grieved and disquieted with the late reports of the success, boldness, and strength of popish forces in Ireland and England, and how much danger from the power of so malicious and bloody enemies is apprehended, to the religion and peace of this kirk and kingdom, conceived by them to be the spring whence have issued all their calamities and miseries; which we humbly remonstrate to your majesty as a necessity requiring a general assembly, and do earnestly supplicate for the presence and assistance of your majesty's commissioner at the day to be appointed, that, by universal consent of the whole kirk, the best course may be taken for the preservation of religion, and for the averting of the great wrath which they conceive to be imminent to this kingdom. If it shall please the Lord, in whose hand is the heart of the king, as the rivers of waters, to turn it whithersoever he will, to incline your majesty's heart to this thorough reformation, no more to tolerate the mass, or any part of Romish superstition or tyranny, and to command that all good means be used for the conversion of your princely consort, the queen's majesty (which is also the humble desire of this whole kirk and kingdom), your joint comforts shall be multiplied above the days of your affliction, to your incredible joy, your glory shall shine in brightness, above all your royal progenitors, to the admiration of the world, and the terror of your enemies, and your king-

doms so far abound in righteousness, peace, and prosperity, above all that hath been in former generations, that they shall say, 'It is good for us that we have been afflicted.'"

To this petition, which was presented by Mr. Alexander Henderson, the king returned a rather lengthy answer. He said that he had been only induced to give it any answer at all, on learning that it had been printed and circulated among his subjects, and he complained of the "bitterness and sharpness of some expressions," which his "well-affected subjects" might interpret not to be so agreeable to the regard and reverence due to his person, while the matter was reproachful to the honour and constitution of the kingdom of England. He declared that the petitioners, or the general assembly by whose authority they acted, had no authority or power whatever to intermeddle in the affairs of the kingdom or church of England, which were regulated by laws of their own. "Therefore," he said, "we do believe that the petitioners, when they shall consider how unwarranted it is by the laws of that kingdom, and how contrary it is to the laws of this, to the professions they have made to each other, and how unbecoming in itself, for them to require the ancient, happy, and established government of the church of England to be altered and conformed to the laws and constitutions of another church, will find themselves misled by the information of some persons here, who would willingly engage the petitioners to foment a difference and division between the two kingdoms, which we have with so much care and industry endeavoured to prevent, not having laboured more to quench the combustion in this kingdom, than we have to hinder the like from either devouring Ireland, or entering into Scotland; which, if all others will equally labour, will undoubtedly be avoided." The king next spoke with some indignation of the imputations which had been cast upon him with regard to the rebellion in Ireland. With respect to the question of uniformity of religion, he refused to give any further answer than that which had been given to a former petition on the same subject. "But we cannot enough wonder," he said, "that the petitioners should interpose themselves, not only as fit directors and judges between us and our two houses of parliament, in business so wholly concerning the peace and government of this our kingdom, and in a manner so absolutely entrusted to

us, as what new laws to consent or not to consent to; but should assume and publish, that the desire of reformation in this kingdom is in a peaceable and parliamentary way; when all the world may know, that the proceedings here have been and are not only contrary to all the rules and precedents of former parliaments, but destructive to the freedom, privilege, and dignity of parliaments themselves." After further protesting against the supposition on which the petitioners seemed to act, that he had not a right to consent to or reject what laws he liked, without being subjected to the animadversion of any one, and complaining of the disrespectful manner in which they denounced God's wrath against him, telling them that the English were as little partial to presbyterianism as they, the Scots, were to episcopacy, and declaring his own attachment to the protestant faith, Charles said, in conclusion:—"But we might well have expected from the petitioners, who have in their solemn national covenant literally sworn so much care of the safety of our person, and cannot but know in how much danger that hath been and still is by the power and threats of rebellious arms, that they would as well have remembered the 23rd of October [the day of the battle of Edgehill], as the 5th of November; and as well have taken notice of the army raised and led against us by the earl of Essex, which hath actually assaulted and endeavoured to murder us; which we know to abound in Brownists, anabaptists, and other sectaries, and in which we have reason (by the prisoners we have taken, and the evidence they have given) to believe there are many more papists (and many of those foreigners) than in all our army, as have advised us to disband out of the army of the earl of Newcastle, which is raised for our defence, the papists in that army, who are known to be no such number as to endanger their obtaining any power of building their Babel, and setting up their idolatry, and whose loyalty he hath reason to commend (though he was never suspected for favouring their religion) not before that of protestants, but of such as rebel under that title, and whose assistance is as due to us by the law of God and man, to rescue us from domestic rebellion, as to defend us from foreign invasion, which we think no man denies to be lawful for them to do. But we do solemnly declare and protest, that God shall no sooner free us from the desperate and

rebellious arms taken up against us, but we shall endeavour to free ourselves and kingdom from any fear of danger from the other, by disarming them according to the laws of the land, as we shall not fail to send our commissioners to the assembly at the time appointed for it by the laws of Scotland. To conclude, we desire and require the petitioners (as becomes good and pious preachers of the gospel) to use their utmost endeavours to compose any distraction in opinions or misunderstandings which may by the faction of some turbulent persons be raised in the minds of our good subjects of that our kingdom, and to infuse into them a true sense of charity, obedience, and humility, the great principles of christian religion; that they may not suffer themselves to be transported with things they do not understand, or think themselves concerned in the government of another kingdom, because it is not according to the customs of that in which they live; but that they dispose themselves with modesty and devotion to the service of Almighty God, with duty and affection to the obedience of us and our laws (remembering the singular grace, favour, and benignity we have always expressed to that our native kingdom) and with brotherly and christian charity one toward another; and we doubt not but God in his mercy to us and them will make us instruments of his blessings upon each other, and both of us in a great measure of happiness and prosperity to the whole nation."

When the Scottish envoys proceeded to court, Lanark set out to travel quick, in order to be there before them, but he was detained on his way by the troops of the parliament, and only reached Oxford at the end of February, when he delivered to the king the opinion of his party in Scotland, that he should keep the envoys there and amuse them with fair speeches, but not let them go on to London. Charles was now exulting in what he looked upon as a certain prospect of success against his enemies, and he contemplated nothing short of their entire subjugation. While he was using to the envoys the language we have been quoting, he was secretly maturing against his native land plans of massacre and destruction of the most odious description. About the time that Lanark arrived at Oxford, the queen returned to England, landing at Burlington in Yorkshire on the 22nd of February, bringing with her stores and ammunition for the king's army. She

was received by the marquis of Montrose, who conveyed her to York. The marquis described to the queen the state of Scotland, declared his opinion that nothing but extreme measures were to be expected from the covenanters, and urged that they should be immediately suppressed. He said that there were many in Scotland who possessed courage as well as loyalty, and on whose devotion he could calculate; and he proposed that a conspiracy should be secretly formed amongst these, who should rise suddenly and put to death all the chief leaders of the covenanters before they had time to put themselves on their defence. He assured her, at the same time, that if the covenanters were allowed time to assemble an army, they would be immediately masters of Scotland, and no force that the king could raise in that country would be able to make any head against them. These plans were opposed, however, by the marquis of Hamilton, who was just now made a duke by the king, and who was with the queen at York. He represented the disgrace which must fall upon the royal cause from such an unprincipled course as that recommended by Montrose. He acknowledged that the king had little to expect from the Scots, and that his chief hope was to keep up so much agitation, that during that year they should not decide upon joining the English parliament. He declared, however, that Montrose had greatly overrated his influence and power, and that such an attempt as that he contemplated, whether successful or not, would exasperate the whole Scottish people against the king to such a degree as must be most disastrous to his cause. The queen was in favour of Montrose's plan, and was persuaded with difficulty to delay until they might consult with the king. No doubt to the astonishment of Hamilton, Charles gave his full approbation to the proposal made by Montrose, and a plot was immediately formed which, it has been justly observed, would have led to a massacre which would probably have rivalled in atrocity that which had recently taken place in Ireland. The chief managers of this plot were to be the marquis of Montrose and the earl of Antrim. The latter was to proceed to Ireland immediately, where he was to bribe Monro and gain over the Scottish army sent thither under that general to serve against the rebels themselves, but who were now to be led back into Scotland to serve the king. Antrim was then to conclude a treaty with the Irish rebels,

to forward which Charles urged the earl of Ormond, now lord lieutenant of Ireland, to conclude a cessation with them. An army of these Irish rebels, under the command of Antrim, was to be transported to the western coast of Scotland, where they were to be joined by the M'Donalds of the isles. Montrose, in the mean time, was to join with the Gordons, and raise the highlanders of the north of Scotland. All these movements were to be concerted with the utmost secrecy, and the covenanters were to be taken unawares by a sudden assault and exterminated, and, when Scotland had been thus entirely reduced to the king's obedience, these united armies were to march into England, and assist the king against his parliament. The conspirators had miscalculated in the very first step towards putting this plot into execution, and it was defeated by the integrity of Monro and his army. One day major Ballantyne, an officer with the Scottish army in Ireland, saw a ship's boat lying under suspicious circumstances in a creek near Carrickfergus, and caused it to be seized. A man was taken in it who confessed that he was a servant of the earl of Antrim, and that he was sent on shore to see if the earl could land there in safety, which he was to signify to the ship by a preconcerted signal. The major compelled the man to make the signal, upon which Antrim immediately landed, and was placed under arrest. Among the papers found on his person were the instructions for seducing the Scottish army and the king's commission to treat with the Irish rebels. Thus was one design against the covenanters of Scotland frustrated.

Meanwhile the position of the Scottish commissioners in Oxford was not a pleasant one. They were detained there by the king in a vain interchange of papers and replies, but they were treated with so little respect that they could hardly pass along the streets without being mocked and reviled. At length, after they had been thus detained nearly four months, their friends began to be uneasy, and they received the orders of the conservators of the peace to return. Hamilton at the same time wrote to the king to assure him that it would be injurious to his interests in Scotland to detain the commissioners longer. They were, however, still desirous of proceeding to London, and applied to the king for leave to go thither, but it was refused. Loudon would have protested against this as a breach of

the safe-conduct. The king, hearing of this, and aware of the effects of such protests in Scotland, sent for the earl of Lindsay, and employed him to dissuade his colleague from that course; and, on being further informed that there was a plot to assassinate him on the way, Loudon demanded his passport and hurried back to Scotland. At the same time the king addressed another declaration to his Scottish subjects, expressed in the same tone and similar language as his answers to the commissioners.

On the return of the latter to Scotland, a meeting of the privy council, the conservators of the peace, and the commissioners for public burthens, was held to receive their report. When the king's various declarations and answers were read, they caused the greatest dissatisfaction, especially those parts in which he avowed the employment of papists, and charged the English parliament with doing the same. After they had been considered, it was proposed that, on account of the critical state of affairs, and as an army was being raised in the north of England which rendered it necessary to put the country in a posture of defence, which could not be done without a meeting of parliament or a convention of the estates, the former of which the king had refused to call, they should have recourse to the latter alternative. They had sufficient precedents for calling such a convention without the king's warrant; but it was violently opposed by Hamilton and the king's friends in the council, and it was not till the question had been warmly and urgently debated through several meetings, that at length it was carried against them. The chancellor was thereupon directed to issue his mandate for a meeting of the estates on the 22nd of June. It may be observed, that all the individuals were called to a convention of the estates which would be summoned to a parliament, and that the only difference between them was that the former had not the power to make or pass laws. A letter was sent to the king, signed by those members of the council who had voted for the convention, and who, in stating to him what they had done, justified it on the plea that they were driven to adopt this course by a sense of the impending danger, and by the circumstance that the supplies due from the English parliament to their army in Ireland, were in arrears, and that the payment of

the brotherly assistance had been delayed on account of the distractions in England. The king had already ordered that all the Scottish lords who were in his service in England should repair to Edinburgh to support his party; but this proceeding itself caused a feeling of alarm which entirely counteracted their influence. Three days after the meeting of the council which decided on calling together the estates, the earls of Lanark, Kinnoul, and Roxburgh, arrived from the king. Their instructions were to hinder, by all fair means, any treaty between the Scots and the parliament of England, to prevent the ministers from censuring the king's actions from their pulpits, and to declare the king's readiness to provide for the payment of the Scottish army in Ireland, and that it was his pleasure that it should not be recalled home without his orders. To ensure obedience to this part of his instructions, the king discharged the earl of Leven (Lesley) from obeying any orders, except from him, for its recall. The council was also directed to publish the king's declaration to his Scottish subjects, in which he informed them that he had been compelled much against his inclination to take up arms in self-defence, disavowing the employment of papists or recusants, and calling upon them to support him in his cause. The king had at first absolutely forbidden the assembly, but, it having been represented to him that this would not produce the desired effect, he sent another letter, dated from Oxford, on the 10th of June, allowing of their meeting to consult and conclude touching ways to supply the Scottish army in Ireland, and the relieving of public burthens by pressing the speedy payment of the brotherly assistance due from England; but he expressly forbade their proceeding to any other business, and especially to anything that might tend to the raising of an army.

When the estates met on the day appointed, all the king's friends were present, declaring that they attended by his express warrant, and the meeting began with a debate on the limitation contained in the king's letter. When, however, this question was put to the vote, Hamilton, with eighteen lords of the king's party present, were supported by the vote of one knight only for the limitation, while all the rest of the estates were unanimous in voting it a free convention. Upon this, Hamilton and Lanark, with the more zealous friends of the king,

left the convention, and returned no more. The estates now proceeded to business of an ordinary character, while they waited for a communication from England. It was known that the English parliament had resolved to send certain commissioners to Scotland, but they were delayed by the state of affairs in England, where the king's party had been continually gaining ground during the earlier months of this year. Meanwhile an incident had occurred which gave the estates some occupation while they waited for the message from the English parliament. Six of the Scottish nobles sent from Oxford by the king to be present at the convention, the earls of Morton, Roxburgh, Kinnoul, Lanark, Annandale, and Carnwath, had, on their way, written a joint letter to the queen advising that a considerable force should be sent into Lancashire to hinder that county from being lost to the king. This letter was intercepted by the parliamentarians, and a messenger was sent to Scotland by the English parliament to charge the six lords with a breach of the treaty between the two countries. After some debating, five of the lords were let off with a gentle censure, on promising not to offend in the same way again; but the sixth, lord Carnwath, lay under the more serious charge of having spoken of the Scottish people as rebels to the king, and having asserted that the only object of their commissioners was to stir up rebellion in both countries, and thus ruin the king and his family. Carnwath was ordered to be put on his trial, but he made his escape out of the kingdom, and was fined ten thousand pounds Scots for contumacy. The earl of Traquair was also in danger of prosecution, and found it prudent to absent himself, but he was screened from further proceedings by his son, the lord Linton, who was high in credit with the estates. Messengers also arrived from Monro, who transmitted to the privy council the papers seized upon the earl of Antrim, with an account of the plot in which he and Montrose were engaged, and after the estates had sat a long time, during which their only public act was a vote for raising supplies for the army of Ireland, Mr. Corbet, a member of the English house of commons, arrived from the parliament, with instructions to request that the earl of Antrim might be delivered to them to be put on his trial for his proceedings in Ireland, to excuse their delay in communicating with the convention on account of

the numerous plots they had been occupied in detecting, and to assure them that their commissioners would proceed immediately to Scotland.

Before their arrival the general assembly had met. The assembly opened on the 2nd of August, and sir Thomas Hope, the lord-advocate, who had been compelled against his inclination to exercise the office of king's commissioner, presented a short but gracious letter, in which the clergy were reminded of the favours they had received from the king, and were urged to concur with him in preserving peace in church and state, while they were warned against all attempts at change or innovation in ecclesiastical matters. The assembly returned a courteous but manly answer, while they left no doubt of their real sentiments by choosing Alexander Henderson for their moderator, a man especially fitted by his courage and talents to act as a leader in dangerous emergencies.

The two houses of the English parliament had agreed on the instructions to their commissioners on the 18th of July, and, having been dispatched by sea, they landed at Leith on the 7th of August. As named in the commission, they were the earl of Rutland, sir William Armine, sir Harry Vane the younger, and Thomas Hatcher and Henry Darley, Esqrs., but the earl of Rutland appears to have been left behind. They were accompanied by Mr. Marshall, a presbyterian minister, and Mr. Nye, an independent, who went as deputies from the English divines, and the circumstance of thus representing the two denominations is in itself a proof of the fairness of the proceedings on the part of the English parliament. The commissioners were received at Leith by a committee of the estates, who conducted them, on the 9th of July, in great state into Edinburgh, where they received a cordial welcome from the leading covenanters and the principal ministers. They lost no time in presenting the following "declaration" from the English parliament "to the kingdom and estates of Scotland :"—"We the lords and commons in parliament, being very sensible of the miserable state and condition whereunto this kingdom and all the other dominions belonging to this crown are fallen by this present war, which the king hath raised against the parliament by the instigation of the popish, prelatical, and malignant party, do hereby declare to our brethren the estates and other subjects of the kingdom of Scotland, that not only

according to our resolution and promise signified in our former declarations, we have nominated and appointed John earl of Rutland, sir William Armine, baronet, sir Henry Vane, junior, knight, Thomas Hatcher and Henry Darley, esquires, to be committees and commissioners of both houses of parliament, or any three or more of them, for settling all matters concerning debts and accounts in which this kingdom standeth engaged to them; but more especially to desire their present and speedy aid and assistance for security of religion and liberty of both kingdoms, for restoring and preserving the peace of this kingdom, and bringing to condign punishment the subjects of either kingdom and all others who are and have been the authors, incendiaries, or actors in this unnatural war, raised for the alteration of religion, introducing of popery, subverting the fundamental government of this land, and for the hindrance of reformation in matters of religion, being a most effectual means for preserving the peace of both kingdoms, according to the late act of pacification, by which both states stand obliged to help one another; whereof we assure ourselves our brethren will make no doubt, if they please to consider, that divers subjects of the kingdom of Scotland, noblemen and others, have risen in arms, and are joined with the papists and prelati- cal party here, and are now in actual war against the parliament and kingdom of England; which being done without consent of the parliament of Scotland, all such persons of that nation are become traitors to the kingdom of Scotland by that act of pacification, and both kingdoms are bound in repressing their forces by the public faith of each kingdom declared in that act. And we desire our brethren should take notice, that the said committees or commissioners have received ample instructions concerning the proposition of the aid desired, and the satisfaction to be made for the same, with power and authority to agree therein, according to such instructions as they have or shall receive from both houses of parliament; and therefore we desire that full credit may be given to them in that behalf. And because our enemies have already great forces in divers parts of the kingdom, and do intend to draw great numbers of rebels out of Ireland, and have solicited for other supplies from foreign parts, we do earnestly request our brethren of Scotland to hasten the aid desired, and

to consider, that although in these straits and perplexities of want and danger they shall not receive such plentiful entertainment as might at other times be expected, yet they cannot fail of great honour and advantage by this undertaking, both in the service therein done to God, whose cause it is, and the dangers and miseries which thereby shall be kept from themselves; and they may rest assured, that in all opportunities the two houses of parliament and this nation will be ready to express their thankfulness for the help which they shall receive from them, and their forwardness and affection to the peace and prosperity of that church and kingdom."

The following declaration was at the same time presented to the general assembly:—"The lords and commons in parliament," it said, "acknowledging with humble thankfulness to Almighty God, the disposer of hearts, the christian zeal and love which the general assembly of the churches of Scotland have manifested, in their pious endeavours for the preservation of the true reformed protestant religion from the subtle practices and attempts of the popish and prelatical party, to the necessary reformation of church discipline and government of this kingdom, and the more near union of both churches, do earnestly desire that reverend assembly to take notice, that the two houses of parliament fully concurring with them in those pious intentions, for the better accomplishment thereof, have called an assembly of divers godly and learned divines and others of this kingdom, unto the city of Westminster, who are now sitting and consulting about these matters; and likewise have nominated and appointed John earl of Rutland, sir William Armine, baronet, sir Henry Vane the younger, knight, Thomas Hatcher and Henry Darley, esquires, committees and commissioners of both houses to the kingdom and states of Scotland, who, besides their instructions in matters concerning the peace and common weal of both kingdoms, have received directions to resort to the general assembly of the church of Scotland, and propound and consult with them, or any commissioners deputed by them, in all occasions which may further the so much desired reformation in ecclesiastical matters in this church and kingdom. In performance whereof, master Stephen Marshall and master Philip Nye, ministers of God's word, and men of approved faithfulness and ability in their function,

both members of this assembly of divines here congregated and sitting, are appointed to assist and advise the same committees in such things as shall concern this church. And the two houses do hereby commend the committees and divines aforementioned to the reverend assembly of the church of Scotland, to be by them received with favour, and credited in those things which they, or any three or more of them, shall propound to them. It is likewise desired, that the reverend assembly will, according to their former promise and resolution, send to the assembly here such number of godly and learned divines as in their wisdom they think most expedient, for the furtherance of this work, which so much concerns the honour of God, the prosperity and peace of the two churches of England and Scotland, and which must needs have a great influence in procuring a more safe and prosperous condition to other reformed churches abroad. And that their endeavours may be more effectual, the two houses do make this request to them, with their authority, advice, and exhortation, so far as belongs to them, to stir up that nation to send some competent forces in aid of this parliament and kingdom, against the many armies of the popish and prelatical party and their adherents, now in arms for the ruin and destruction of the reformed religion and all the professors thereof. In all which they shall do that which shall be pleasing to God, whose cause it is, and likewise safe and advantageous to their own church and kingdom, who cannot enjoy the great blessing of religion, peace, and liberty in that kingdom, if this church and kingdom by the prevailing violence of that party shall be brought to ruin and destruction."

In both bodies, the declarations of the English parliament were received with the utmost favour. The estates, after some consultation, delivered the following answer to the commissioners, to be carried back to the two houses. "We have received," they said, "from the hands of sir William Armine, baronet, sir Henry Vane, junior, knight, Thomas Hatcher and Henry Darley, esquires, committees and commissioners of the honourable houses of the parliament of England, their declaration lately sent unto us, expressing the present bleeding and distressed estate of that kingdom, and desiring a more near and strict union between the two nations for their mutual defence against the papists, the prelatical faction, and their

adherents, together with our present art and assistance for the relief of our brethren of England; remitting all particulars concerning the same to be further communicated to us by the above-said committees and commissioners; which particulars have accordingly been made known both to us and the general assembly of this kingdom by the commissioners of the two houses, who have pursued the same with so great wisdom, fidelity, and diligence, as hath very much furthered the work, and deserves a very large testimony on their behalf. Upon serious consideration hereof, we do declare to these honourable houses, that this kirk and kingdom are deeply affected with the sense of the sad calamitous conditions of their brethren of England, and are most ready and willing to contribute their best and utmost endeavours for the preservation of religion, which is no other than the soul, the protestant party, which is the body, our own lives, who are the members, and the honour and happiness of the king, who is the head of these kingdoms; all these being in so extreme and imminent danger to be utterly ruined by the power and policy of the papists, prelatical faction, malignants and other adherents, the common enemies of both kingdoms, now raging in arms as well in England as in Ireland. For further confirmation hereof, we may truly say, that this our sympathy and willingness to have the counsels and courses of both kingdoms joined together for the common safety of this island, as it hath been often largely expressed and promised by the several judicatories of this kirk and kingdom, so it will now most evidently appear, by the results of the committees of the assembly and our committees with the commissioners of the honourable houses, and by the other declarations, letters, and actions, both of us and the general assembly, concerning the nearer union between both kirks and kingdoms, for the mutual defence against papists, prelates, and malignants, and the most effectual means for the saving of the religion, king, and kingdoms from the present dangers; of all which the commissioners of the two houses will be the best witnesses, and the papists themselves the clearest evidences and demonstrations. And seeing the general assembly of this kingdom do send into England some of their number (men of approved faithfulness and abilities) to be commissioners from them for contributing their best endeavours to encourage the

hearts and strengthen the hands of that kirk and kingdom in this cause of God against all their present difficulties and distresses, which God in his own good time and way will turn into a comfortable calm, and give issue with the temptation. We have thought fit hereby to commend the said commissioners, and any other whom we shall send with them, to be received by the parliament of England and assembly of divines there with favour and trust, and have given warrant to them more largely to express the christian sense and fellow-feeling of this kirk and kingdom with their brethren of England, and their willingness and readiness to concur in all good and possible ways for the common safety of the kingdoms, and for to satisfy scruples, prevent misapprehensions, and remove difficulties that may occur in the way of this great work. And that nothing might be wanting on our part for prosecuting the common cause, and answering the expectation and desires of our brethren of England, both the general assembly and convention of estates being necessitated to adjourn, for the good of the business (the extremity of the dangers requiring speedy prevention), they have given very full and ample commissions to the commissioners residing at Edinburgh, for to do everything that shall be found by common advice necessary and possible for so good ends, being so thoroughly sensible of the growing evils and miseries that are ready to overrun our sister kirk and kingdom of England, and through their sides to wound us, that we shall not content ourselves only to manifest our affections in declarations, but, when the opportunity serves, so far as lies in us shall set forth ourselves in every lawful way suitable to our dangers and extremities of our brethren, to whom we are and desire yet to be more firmly joined in so many near ties and relations."

The declaration of the general assembly was still more explicit. They said, that "having received a declaration from the honourable houses of the parliament of England, by their committees and commissioners now residing here, they have thought good to make known to the lords and commons in parliament, that all the members of this assembly and others well affected here do with most thankful respects take special notice of the expressions which they have been pleased to make in the aforementioned declaration, not only concerning their approbation of the

desires and endeavours of the general assembly of this kirk for the reformation of the kirk of England, and the union of both kirks in religion and church government, but also concerning the resolution of both houses fully to concur with them in those pious intentions. With the same thankfulness and due reverence, they acknowledge the high respects expressed towards them by both houses, in directing unto them their committees and commissioners, assisted by two reverend divines, and in desiring some of the godly and learned of this kirk to be sent unto the assembly sitting there. The assembly doth bless the Lord, who hath not only inspired the houses of parliament with desires and resolutions of the reformation of religion, but hath advanced by several steps and degrees that blessed work, by which as they shall most approve themselves to the reformed kirks abroad and to their brethren of Scotland, so shall they most powerfully draw down from heaven the blessings of prosperity and peace upon England. And as it is the earnest wish of their brethren here, that the true state and ground of the present differences and controversies in England may be more and more cleared to be concerning religion, and that both houses may incessantly prosecute that good work first and above all other matters, giving no sleep to their eyes nor slumber to their eyelids until they find out a place for the Lord, a habitation for the mighty God of Jacob, whose favour alone can make their mountain strong, and whose presence in his own ordinances shall be your glory in the midst of them; so it is our confidence that the begun reformation is of God and not of men; that it shall increase, and not decrease; and that he to whom nothing is too hard, who can make mountains valleys, crooked things straight, and rough ways smooth, shall lead along and make perfect this most wonderful work, which shall be remembered to his glory in the kirk throughout all generations. And lest through any defect upon the general assembly's part the work of reformation (which hitherto, to the great grief of all the godly, hath moved so slowly) should be any more retarded or interrupted, they have, according to the renewed desires of both houses of parliament, and their own former promises, nominated and elected master Alexander Henderson and master George Gillespie, ministers of God's word, and John lord Maitland, ruling elder, all of them men much approved here, with com-

mission and power to them to repair unto the assembly of divines and others the kirk of England now sitting at Westminster, to propound, consult, treat, and conclude with them, or with any committees deputed by the houses of parliament (if it shall seem good to the honourable houses in their wisdom to depute any for that end), in all such things as may conduce to the utter extirpation of popery, prelacy, heresy, schism, superstition, and idolatry, and for the settling of the so much desired union of this whole island in one form of church government, one confession of faith, one common catechism, and one directory for the worship of God, according to the instructions which they have received or shall receive from time to time, with the assembly's power for that end. And as the general assembly doth most gladly and affectionately receive and fully trust the committees and divines sent hither, so do they hereby commend their aforementioned commissioners, not only to the like affection and trust of that assembly there, but also to the favour and protection of both houses of parliament. And for the further satisfaction and encouragement of their brethren of England, the whole assembly, in their own name and in the name of all the particular kirks of this kingdom, whom they represent, do hereby declare, that from their zeal to the glory of God and propagation of the gospel, from their affection to the happiness of their native king and of the kingdom of England, and from the sense of their own interest in the common dangers of religion, peace, and liberty, they are most willing and ready to be united and associated with their brethren in a near league and solemn covenant for the maintenance of the truly reformed religion against popery and prelacy, and against all popish and prelatical corruptions in doctrine, discipline, worship, or church-government, and for the settling and holding fast of unity and uniformity betwixt the kirks of this island, and with the best reformed kirks beyond sea. Which union and covenant shall, with God's assistance, be seconded by their co-operation with their brethren in the use of the best and most effectual means that may serve for so good ends. For the more speedy effectuating whereof, to the comfort and enlargement of their distressed brethren (whose hope deferred may make their hearts faint), the whole assembly, with great unanimity of judgment and expressions of much affection, have approved (for their

part) such a draught and form of a mutual league and covenant betwixt the kingdoms, as was the result of the joint debates and consultations of the commissioners from both houses, assisted by the two reverend divines, and of the committees deputed by the convention of estates of this kingdom and from the general assembly, expecting and wishing the like approbation thereof by the right honourable the lords and commons in parliament and by the reverend assembly there; that thereafter it may be solemnly sworn and subscribed in both kingdoms, as the surest and straightest obligation to make both stand and fall together in that cause of religion and liberty. As the estates of this kingdom have often professed in their former declarations the integrity of their intentions against the common enemies of religion and liberty in both kingdoms, and their great affection to their brethren of England, by reason of so many and so near relations; so doubtless in this time of need, they will not fail to give real proof of what before they professed. A friend loveth at all times, a brother is born for adversity; neither shall the assembly or their commissioners be wanting in exhorting all others to their duty, or in concurring so far as belongeth to their place and vocation, with the estates now convened, in any lawful and possible course which may most conduce to the good of religion and reformation, the honour and happiness of the king's majesty, the deliverance of their brethren of England from their present calamitous condition, and to the perpetuating of a firm and happy peace betwixt the kingdoms."

The important and celebrated document alluded to at the close of this declaration of the assembly, as having been drawn up and arranged between the assembly, the estates, and the English commissioners, was entitled, "A solemn league and covenant for reformation and defence of religion, the honour and happiness of the king, and the peace and safety of the three kingdoms of England, Scotland, and Ireland." The text of it ran as follows:—

"We noblemen, barons, knights, gentlemen, citizens, burgesses, ministers of the gospel, and commons of all sorts in the kingdoms of England, Scotland, and Ireland, by the providence of God living under one king and being of one reformed religion, having before our eyes the glory of God and the advancement of the kingdom of our Lord and Saviour Jesus Christ, the honour

and happiness of the king's majesty and his posterity, and the true public liberty, safety, and peace of the kingdoms, wherein everyone's private condition is included; and calling to mind the treacherous and bloody plots, conspiracies, attempts, and practices of the enemies of God against the true religion and professors thereof in all places, especially in these three kingdoms, ever since the reformation of religion, and how much their rage, power, and presumption are of late and at this time increased and exercised, whereof the deplorable estate of the church and kingdom of Ireland, the distressed estate of the church and kingdom of England, and the dangerous estate of the church and kingdom of Scotland, are present and public testimonies; we have (now at last), after other means of supplication, remonstrance, protestations, and sufferings, for the preservation of ourselves and our religion from utter ruin and destruction, according to the commendable practice of these kingdoms in former times, and the example of God's people in other nations, after mature deliberation, resolved and determined to enter into a mutual and solemn league and covenant, wherein we all subscribe, and each one of us for himself, with our hands lifted up to the most high God, do swear,—

"1. That we shall sincerely, really, and constantly, through the grace of God, endeavour, in our several places and callings, the preservation of the reformed religion in the church of Scotland, in doctrine, worship, discipline, and government, against our common enemies; the reformation of religion in the kingdoms of England and Ireland, in doctrine, worship, discipline, and government, according to the word of God and the example of the best reformed churches; and we shall endeavour to bring the churches of God in the three kingdoms to the nearest conjunction and uniformity in religion, confessing of faith, form of church government, directions for worship and catechising, that we, and our posterity after us, may, as brethren, live in faith and love, and the Lord may delight to dwell in the midst of us.

"2. That we shall, in like manner, without respect to persons, endeavour the extirpation of popery, prelacy (that is, church government by archbishops, bishops, their chancellors and commissaries, deans, deans and chapters, archdeacons, and all other ecclesiastical offices depending on that

hierarchy), superstition, heresy, schism, profaneness, and whatsoever shall be found to be contrary to sound doctrine and the power of godliness, lest we partake in other men's sins, and thereby be in danger to receive their plagues; and that the Lord may be one and his name one in the three kingdoms.

"3. We shall, with the same sincerity, reality, and constancy, in our several vocations, endeavour with our estates and lives mutually to preserve the rights and privileges of the parliaments and the liberties of the kingdoms, and to preserve and defend the king's majesty's person and authority, in the preservation and defence of the true religion and liberties of the kingdoms, that the world may bear witness with our consciences of our loyalty, and that we have no thoughts or intentions to diminish his majesty's just power and greatness.

"4. We shall also with all faithfulness endeavour the discovery of all such as have been or shall be incendiaries, malignants, or evil instruments, by hindering the reformation of religion, dividing the king from his people, or one of the kingdoms from another, or making any faction or parties amongst the people, contrary to the league and covenant, that they may be brought to public trial, and receive condign punishment, as the degree of their offences shall require or deserve, or the supreme judicatories of both kingdoms respectively, or others having power from them for that effect, shall judge convenient.

"5. And whereas the happiness of a blessed peace between those kingdoms, denied in former times to our progenitors, is by the good providence of God granted unto us, and hath been lately concluded and settled by both parliaments; we shall each one of us, according to our places and interest, endeavour that they may remain conjoined in a firm peace and union to all posterity, and that justice may be done upon the wilful opposers thereof, in manner expressed in the precedent articles.

"6. We shall also, according to our places and callings, in this common cause of religion, liberty, and peace of the kingdom, assist and defend all those that enter into this league and covenant, in the maintaining and pursuing thereof, and shall not suffer ourselves, directly or indirectly, by whatsoever combination, persuasion, or terror, to be divided and withdrawn from this blessed union and conjunction, whether to make

defection to the contrary part, or give ourselves to a detestable indifferency or neutrality in this cause, which so much concerneth the glory of God, the good of the kingdoms, and the honour of the king; but shall all the days of our lives zealously and constantly continue therein, against all opposition, and promote the same according to our power, against all lets and impediments whatsoever; and what we are not able ourselves to suppress or overcome, we shall reveal and make known, that it may be timely prevented or removed; all which we shall do as in the sight of God.

"And because these kingdoms are guilty of many sins and provocations against God and his son Jesus Christ, as is too manifest by our present distresses and dangers, the fruits thereof; we profess and declare, before God and the world, our unfeigned desire to be humbled for our own sins, and for the sins of these kingdoms; especially, that we have not as we ought valued the inestimable benefit of the gospel; that we have not laboured for the purity and power thereof; that we have not endeavoured to receive Christ in our hearts, nor to walk worthy of him in our lives; which are the causes of other sins and transgressions, so much abounding amongst us; and our true and unfeigned purpose, desire, and endeavour, for ourselves and all others under our power and charge, both in public and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation, that the Lord may turn away his wrath and heavy indignation, and establish these churches and kingdoms in truth and peace. And this covenant we make in the presence of Almighty God, the teacher of all hearts, with a true intention to perform the same, as we shall answer at that great day, when the secrets of all hearts shall be disclosed; most humbly beseeching the Lord to strengthen us by his holy spirit for this end, and to bless our desires and proceedings with such success as may be a deliverance and safety to his people, and encouragement to the christian churches groaning under or in danger of the yoke of anti-christian tyranny, to join in the same or like association and covenant, to the glory of God, the enlargement of the kingdom of Jesus Christ, and the peace and tranquillity of christian kingdoms and commonwealths."

It was not till after many meetings of

the commissioners that the form of this solemn league and covenant was agreed upon. The first draft, as drawn up by Henderson, was strictly and exclusively presbyterian in its character, and displayed the intolerance which the presbyterians were too much inclined to show towards all other sects. Sir Harry Vane and Nye, on the contrary, who, as independents, were actuated by a more tolerant spirit, urged that it should be so worded as to comprehend the other divisions or sects of the reformed church, with the abolition only of prelacy. When, however, the document was at length perfected, and delivered to the general assembly, it was received with the most extraordinary marks of approval and satisfaction, and, having been agreed to immediately, was carried in the afternoon of the same day to the convention of the estates, where it met with a similar reception. A select committee, consisting of lord Maitland, Mr. Henderson, and Mr. Gillespie, was immediately appointed to carry the covenant to the English parliament, which accepted it with some very slight alterations, and by an order of the commons, dated the 21st of September, 1643, it was ordered to be printed and published. Next day it was appointed to be taken publicly, in the church of St. Margaret, Westminster, by the members of the house of commons and the assembly of divines. The ceremony commenced with prayers by Mr. John White; Mr. Nye, who had returned from Scotland, then delivered an exhortation; which was followed by prayers by Dr. George. Henderson, as one of the Scottish commissioners, also addressed the congregation. The covenant was then read, and notice was given that each person should immediately, by swearing thereunto, worship the great name of God, and testify so much outwardly by lifting up his hands. When this had been done, they all proceeded into the chancel, and there subscribed their names to a roll of parchment on which the covenant was fairly written. An exhortation was drawn up by the assembly of divines, and published for distribution throughout the kingdom, along with which the covenant was tendered, to be taken generally by the people of England.

The Scottish leaders now acted with decision. A declaration was drawn up and published by the general assembly, setting forth their reasons for assisting the parlia-

ment of England "against the papists and prelatical army." "First," they said, "the controversies now in England being betwixt the Lord Jesus and antichrist with his followers, if we would not come under the curse of Meroz, we should come out upon so clear a call from the representative body of England to the representative body of Scotland, and help the Lord against the mighty; being assured that the help that we give to his kirk, in such an exigent, is given to himself, and shall not want a blessed reward." They then proceeded to rehearse various former leagues between the two kingdoms for the defence of the reformed religion, and acts of kindness which they had received from England when their kirk was in danger. The present, they said, was a common danger eminent to both kirks and kingdoms; if either of the two kirks or kingdoms were ruined, the other could not long subsist; for they had the same friends and foes, and the same cause, and must run the same hazard; and, in the sequel, the same advantage would redound to both by their common success. "If," said they, "we forsake England, we forsake our dearest friends, who can best help us in case we be reduced to the like straits hereafter by the common adversary; for the distance and distressed estates of other protestant kirks make them unable to help us in this kind, and if we denude ourselves of the support of England, by suffering them to sink, we do not only betray their safety but our own." They urged that the permanence of their peace with England depended upon their supporting the parliament; and they added, that if they deserted their friends in England, deliverance would come from elsewhere in so just a cause, and they would have lost their title to ask for help in their own adversities. "The only means," they said, "for the procuring of a happy agreement betwixt the king and the parliament, is by putting up of the sword, and saving christian blood from being shed, suppressing of papists, and establishing religion in his dominions; for humble supplications and remonstrances reached out with naked hands will not prevail with our adversaries, who have environed our king, and closed his ears to the cry of his subjects. But it will be objected, seeing our religion and liberties are established, according to our own desires, by act of assembly and parliament with his majesty's consent, and seeing his majesty's declaration to the whole kingdom,

and letters to every nobleman and borough, to give assurance for preservation of the same without altering, we have no interest nor hazard, however business go in England; but should keep ourselves in peace and quiet to answer. 1. In all the proceedings of this business we have from time to time declared, that neither verbal promises nor fair declarations for maintaining religion and liberty could secure us, because we have so often found *facta verbis contraria* (words contrary to deeds), and that by the power and means of our adversaries; as, for example, the treaty at Duncce, where we for his majesty's honour confided to verbal gracious expressions of his majesty's, for conditions of the treaty; yet afterwards they were denied, and burnt by the hands of the hangman, and all reversed that then was condescended on for our religion and liberty, and an army levied against us. It was the counsel of monsieur de Thou to the queen-regent at St. Andrews for reversing our first reformation, to grant our predecessors in fair promises and declarations all that they craved, and when thereby they should be divided, to interpret these by herself, and to take order with the heads of the opposers; and this policy was used by the king of France for the subverting of the protestant religion; for he fed the one half of them with fair promises of freedoms and privileges, until he had cut off the other half. 2. As we have found by former experience, that the establishment of our first reformation by an act of assembly and parliament, could not secure us from the violent pressing of innovations against both; and in the new remonstrance, 1640, we have fully expressed, that no assembly or parliament, no rotten cable nor slipping anchor of articles, whereunto we had fastened our hopes, can be any road, or harbour of safety for us, so long as our enemies sit at the helm, and govern the king's council and courses, and who make the king's majesty, by extra-judicial declarations, to enervate and evacuate all that is done in assembly and parliament, and to interpret laws contrary to the advice of judicators of kirk and state. And of late one mediation betwixt him and his parliament was rejected, contrary to the advice and judgment of commissioners of the peace, the counsel and hard answer to the commissioners of the kirk, that it was contrary to any article of the treaty and the act of the general assembly, and his stopping of our commissioner to go to London, contrary

to his own safe conduct. 3. If the parliament of England that now is be destroyed, who shall undertake for our safety? As the king's declarations of his own intentions cannot exceed his person, nor secure us at the hands of his successors, so we may perceive in the late discovery of the plots of the Scots, English, and Irish papists, that these declarations can be no sufficient security against the surprising of papists and malignants, if they be permitted to carry arms within any of the kingdoms."

In the spirit of these articles, on the 18th of August, the very day that the draft of the league and covenant was sent to England, there came forth a solemn call to the people of Scotland to take up arms in the cause; and so anxious were people to cling to constitutional forms, that the proclamation was issued in the name of the king, who was made to address his Scottish subjects in the following singular language:—"Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, to our lovits, messengers, or sheriffs in that part conjunctly and severally specially constitute, greeting. Forasmuch as the estates of the kingdom of Scotland presently convened, taking into their most serious consideration the great and imminent danger of the true protestant reformed religion and of the peace of their own kingdoms from malignants and their adherents, have, after mature deliberation, thought expedient to enter into a solemn and mutual covenant with our brethren of the kingdom of England, for the defence of the true protestant reformed religion in the kirk of Scotland, and the reformation of religion in the kirk of England according to the word of God and the example of the best reformed kirks, and such as may bring the kirk of God in both kingdoms to the nearest conjunction and uniformity in religion and church government; and siclike to preserve and defend the rights and privileges of our parliaments and liberties of our kingdoms respective; and to preserve and defend our person and authority, in the preservation of the said true religion and liberties of our said kingdoms; and to observe the articles of the late treaty and peace betwixt the two nations; and to assist and defend all that shall enter into this covenant, in the maintaining and pursuing thereof, as the same more fully purports. Which as it will be a comfort and encouragement to all christians who fear God and love true religion, to all

good loyal subjects who truly honour us, and to all true patriots who tender the liberty of their country; so doubtless it will exasperate and enrage the said papists, prelates, and malignants, and their adherents, to practise and execute all the mischief and cruelty they can against kirk and kingdom, as they have done in our kingdoms of England and Ireland. For preventing thereof, the estates of this our kingdom (according to the practice of our council, convention of our estates, and of our parliaments in former times of the like exigence) have resolved to put this our said kingdom with all possible speed in a present posture of defence. And for the better safety and security thereof, have statute and ordained, and hereby statutes and ordains, that immediately after publication hereof, all the fensible persons within this our kingdom of Scotland, betwixt sixty and sixteen years of age, of whatsoever quality, rank, or degree, shall provide themselves with forty days' provision, and with ammunition, arms, and other warlike provision of all sorts, in the most substantial manner, for horse and foot, with tents, and all other furnishing requisite. And that the horsemen be armed with pistols, broad-swords, and steel caps; and where these arms cannot be had, that they provide jacks, or secrets, lances, and steel bonnets. And that the footmen be armed with musket and sword, or pike and sword; and where these cannot be had, that they be furnished with halberts, Lochaber-axes, or Jeddart staves, and swords. Our will is therefore, and we charge you straightly and command, that incontinent these our letters seen, you pass to the market-cross at Edinburgh and several boroughs of this our kingdom and parish kirks thereof, and there by open proclamation make publication hereof, wherethrough none pretend ignorance of the same. And that you command and charge all and sundry our subjects foresaid, being fensible persons betwixt sixty and sixteen years, to provide themselves in manner foresaid, and to be in readiness to make their rendezvous thus armed, at the places to be appointed by our said estates or committees having power from them, within eight-and-forty hours after they shall be lawfully warned from them to that effect, that as they will testify their affections to the true protestant religion, the liberties of our kingdoms, our own honour, and the peace and safety of that their native country; and under the pain to be esteemed and punished

as enemies to religion, us, and our kingdoms, and their whole goods to be confiscate to the use of the public. Given under our signet at Edinburgh, the 18th of August, and of our reign the nineteenth year, 1643."

The king was highly indignant at the use made of his name in this proclamation, and no sooner had he obtained a sight of it, than he wrote a reproachful letter to the privy council, declaring his utter dislike and disallowance of it, and forbidding all his subjects to obey it, or any other papers that should be put forth in his name without his immediate warrant. Nor was his indignation less against the solemn league and covenant, which was now circulated and enforced by the orders of the English parliament. On the 9th of October, a proclamation appeared in the king's name, stating that,—“Whereas there is a printed paper, entitled, ‘A solemn league and covenant for reformation and defence of religion, the honour and happiness of the king, and the peace and safety of the three kingdoms of England, Scotland, and Ireland;’ pretended to be ordered by the commons in parliament on the 21st of September last to be printed and published: which covenant, though it seems to make specious expressions of piety and religion, is in truth nothing else but a traitorous and seditious combination against us and the established religion and laws of this kingdom, in pursuance of a traitorous design and endeavour to bring in foreign force to invade this kingdom. We do therefore straightly charge and command all our loving subjects, of what degree or quality soever, upon their allegiance, that they presume not to take the said seditious and traitorous covenant. And we do likewise hereby forbid and inhibit all our subjects to impose, administer, or tender the said covenant, as they and every of them will answer the contrary at their utmost and extremest perils.”

The covenanters, on their part, were urged forward by fear for their own personal safety. Another plot had already been laid for the massacre of their chiefs. It was to have been carried into effect on occasion of the funeral of the countess of Roxburgh, at which all the chiefs of the high royalist party were to assemble in arms, and surprise and destroy the chiefs of the presbyterian party. For some reason or other, either from want of concert or distrust, few came to the place of rendezvous, and as their opponents were on their guard, the plot failed.

Hamilton, Roxburgh, and the other lords of the king's party, who knew of the plot, if they were not participators, applied to the marquis of Newcastle, who commanded for the king in the northern counties of England, for arms and ammunition to be sent to their friends in Scotland, and urging him to seize upon Berwick. But he replied that he had no arms or ammunition to spare, and that to garrison Berwick would be a breach of the treaty of Scotland, not then advisable. To secure it against such a design in future, the English parliament sent some ships to Berwick in September, and, with the concurrence of the Scots, established a garrison there.

Irritated by all these plots and intrigues, the Scottish rulers determined to enforce the taking of the covenant more rigorously, and on the 22nd of October, an act appeared, declaring all persons who refused to take the covenant enemies to religion, the king's honour, and the peace of the three kingdoms, and denounced against them the punishment of confiscation and other extreme penalties. The lords of the council were summoned to attend on the 2nd day of November, for the purpose of subscribing and taking the oath; and Hamilton and his friends refusing obedience, their estates were confiscated, and an order was issued for their arrest. Hamilton and Lanark immediately left Scotland, and repaired to the king at Oxford. Meanwhile, the utmost activity was shown in preparing to render substantial assistance to the English parliament, and each side seemed equally anxious to bring their negotiations to a speedy conclusion. On the 21st of November, the sum of fifty thousand pounds arrived in Edinburgh as the first instalment of an advance of double that amount, which the Scots were to receive to assist them in setting forth their expedition; and on the 29th a treaty was finally concluded, by which the Scots undertook to send into England to the assistance of the parliament an army of eighteen thousand foot, two thousand horse, and one thousand dragoons, with a suitable train of artillery. This army was to be provisioned for forty days; and after it entered England, the English parliament was to contribute monthly thirty thousand pounds for its support. The Scots also undertook to fit out eight large ships of war, to serve under the earl of Warwick, or whoever else might be the commander of the navy of the parliament, and to be maintained at the charge of the kingdom of England. It was expressly

stipulated by this treaty,—“That no cessation, nor any pacification or agreement for peace whatsoever, shall be made by either kingdom, or the armies of either kingdom, without the mutual advice and consent of both kingdoms, or their committees in that behalf appointed, who are to have full power for the same, in case the houses of the parliament of England, or the parliament or convention of estates of Scotland, shall not sit. That the public faith of the kingdom of Scotland shall be given to their brethren of England, that neither their entrance into nor their continuance in the kingdom of England shall be made use of to any other ends than are expressed in the covenant and in the articles of this treaty; and that all matters of difference that shall happen to arise between the subjects of the two nations, shall be resolved and determined by the mutual advice and consent of both kingdoms, or by such committees as for this purpose shall be by them appointed, with the same power as in the precedent article. That in the same manner, and upon the same conditions, as the kingdom of Scotland is now willing to aid and assist their brethren of England, the kingdom of England doth oblige themselves to aid and assist the kingdom of Scotland, in the same or like cases of straits and extremities.”

About the end of harvest the Scottish troops began to assemble, and the call to arms was everywhere responded to with alacrity, except in those districts which lay under the influence of the marquis of Huntley. Soon after the levies began to be made, a short declaration was set forth to make known the causes of the armament, and to answer especially some objections which had been, or might be, made against them. This declaration was more especially addressed to the people of England. “As for the cause and ground of this undertaking,” the Scots said, “we are not ignorant with how much earnestness the sons of slander and perdition (whose custom is to traduce those proceedings which they know not how to disappoint) do endeavour to possess the hearts of our brethren, that we are coming to fish in the troubled waters of England, to seek and take our advantages in the midst of your necessities; but suffer not your ears, much less your hearts, to be open to any such delusions, whereof we trust your eyes shall shortly witness the falsehood. For as hereafter we doubt not to appeal to our carriages and your con-

sciences, besides your late experience of our religious observance of our former declarations of this kind; so in the meantime give us leave to appeal to the great searcher of hearts, who knows that, had not the love of Christ, requiring christians to bear one another's burdens, and the law of nature, challenging our utmost care and endeavour for the prevention of our own danger and ruin, which an ordinary understanding will easily see to be wrapped up in our neighbours, and our duty and desire of rescuing the king from the dangers wherein he is involved by the company and pernicious counsel of those who are enemies to religion, his majesty's happiness, and peace of his dominions, called and compelled us to this service, we could with far more content and satisfaction to ourselves have enjoyed in quietness our dry morsel, than entered into your houses full of sacrifices with strife; which yet since we are required and necessitated to by that just calling hereafter to be mentioned, we profess before God and the world that our thoughts and hearts are clean and free from any other intentions than those expressed in our solemn league and covenant, in which we are confederate with England, viz., the preservation and reformation of religion, the honour and happiness of the king, and the peace and liberties of the kingdoms; all which we now apprehend to be deeply endangered by the counsels and confederacies of papists, prelates, malignants, and their adherents, so prevalent in England and Ireland; and we shall no otherwise desire a blessing upon our endeavours, than as they shall be directed to the conservation and establishment thereof. And because it is not sufficient to be engaged in a good cause, unless by a good calling, we do hereby further declare, that though the inseparable interests of both nations, in their religion and liberties, which having the same common enemies must look to stand and fall together, might have given us sufficient warrant to have endeavoured the prevention of our own ruin by preserving our friends and brethren from destruction; yet that we might be the more fully and formally obliged to this christian duty and service, and so the mouth of slander and malice be stopped, God hath so ordered things in his wise and just providence, that the parliament of England (who besides their interest in the preservation and reformation of religion, and the defence of

the laws and liberties of the kingdom, to which our help is required, have a particular obligation upon this nation, as we have formerly declared our intentions published before our last expedition, for refusing to countenance or maintain a war against us in the year 1640) have thought fit by their commissioners, enabled to that effect, to desire a firm union with us and this just and necessary assistance from us. And whereas it is too obvious an objection, that the king's command or consent being no ingredient, our calling thereby is rendered deficient; we answer, that though, through the injury of mischievous counsels, both his person and personal commands are withheld from us, yet his honour, his happiness, posterity, his great council, and the welfare of his kingdoms, call importunately to us for this timely interposing; so that unless we can (which God forbid) blot out of our thoughts the sense of piety and religion towards God, of honour and duty toward our sovereign, and of gratitude toward the parliament and kingdom of England, we can in nowise resist our present call to this undertaking. And lastly, for what concerns the manner of the pursuance of this just cause and lawful calling, although the many frustrate petitions and remonstrances from both kingdoms, presented to his majesty, have left us only this way, which yet is not intended against his majesty's person nor any of his good subjects, but those enemies of the king and kingdoms with whom no other means can prevail; yet we shall diligently so order the affairs of our army, that all insolencies, rapines, plunderings, and those other calamities that usually attend upon war, may be prevented; and herein as with no small content to ourselves, so with no less satisfaction to you, are we able to refer you to the experience of our former expedition (when our own necessities drove us into England, as now yours do call us), to consider how little damage was occasioned by our means, how little disorder was committed by us, in any place where we came; and we hereby promise the like care and diligence shall be renewed, and if possible doubled to that effect."

By the close of the year, the Scottish army of about twenty thousand men was assembled on the borders. The chief command was given to Leslie earl of Leven, who was accused of having thus broken his promise to the king never to fight against

him again, but he said this promise was given with the express condition that it should not be binding if the religion and liberties of his country were in danger. Under him, William Baillie was lieutenant-general, and David Leslie major-general of the horse. And now, when their forces were ready for marching, a new declaration of the convention of the estates was published, in which they declared at greater length the necessity of their proceedings and the purity of their intentions. They began by describing the dangers and distresses they had undergone from the ambition of the prelates, and their own peaceable but ineffectual efforts in defence of their religion and liberties. They then related how the troubles had begun in England, and how they had in vain offered the king their friendly intermediation; the negotiations which had passed between them and the parliament; and the publishing and subscribing of the solemn league and covenant. After this, they said, they knew that the opposite and malignant party would rage and tumultuate more than ever, and they were convinced that, unless they would betray their religion, liberties, and laws, and all that they possessed, into their hands, and suffer themselves to be cut off and massacred by such barbarous cruelty as had been exercised in Ireland and in England, it was necessary for them to take arms for mutual defence in the cause of religion, of the king's honour, of the liberty and peace of the kingdoms, and of every one of themselves in their own private estate and condition. "The question," they said, "is not whether we may propagate our religion by arms, but whether, according to our power, we ought to assist our brethren in England, who are calling for our help, and are shedding their blood in defence of that power without which religion can neither be defended nor reformed, nor unity of religion with us and other reformed kirks be attained; who have in the cause of religion and the like exigence assisted us and other reformed kirks; to whom, of old and of late, we have made promises of the real declarations of all christian duty and thankfulness; and who, upon our desires and their endeavours for unity in religion, have often warned us that the malignant party would bend all their invention and forces to interrupt the work, and to ruin and destroy them in the undertaking of it, which we see this day come to pass." "Neither," they added, "is the question (as our enemies would make it)

whether we shall enter into England and lift arms against our own king, who hath promised and done as much as may secure us in our religion and liberties; but whether against the popish, prelatical, and malignant party their adherents, prevailing in England and Ireland, we be not bound to provide for our own preservation?" "If," said they, "England shall subdue the enemies of religion without that assistance which they call for from us at this time, what help can we expect from them in the hour of our temptation, which we have deserved, and the Lord may bring upon us when he will? God forbid that we should give them cause to laugh at our calamity, and mock when our fear cometh. And if they shall be given over into the hand of the enemy (which God in his mercy avert), will not the enemy, strengthened with increase of power, be the more insolent and irresistible? And will not the power of England, turned into the hands of malignants, turn also enemy against this kirk and kingdom, and upon such pretences as be already invented, and yet (they will allege) according to the late treaty of peace, within three months' space denounce a national war against us?" "The question is not," they said again, "whether we should presume to be arbitrators in the matters now debated by fire and sword betwixt his majesty and the houses of parliament, which may seem to be foreign and extrinsecal to this action, and wherein we may be conceived to have no interest; but whether our mediation and intercession, being rejected by the one side upon the hope of victory, or suppose by both sides upon confidence of their own strength and several successes, it be not our duty, it being in our power, to stop or prevent the effusion of christian blood? or whether we ought not to endeavour to rescue our native king, his crown and posterity, out of the midst of so many dangers, and to preserve his people and kingdom from ruin and destruction? If every private man be bound in duty to interpose himself as a reconciler and sequestrator betwixt his neighbours, armed to their mutual destruction; if the son ought to hazard his own life for the preservation of his father and brother at variance the one against the other; shall a kingdom sit still and suffer their king and neighbouring kingdom to perish in an unnatural war? In the time of animosity and appetite of revenge, such an interposing may be an irritation; but afterwards, when the eyes of

the mind, no more blood-run with passion, do discern things aright, it shall be no grief nor offence of heart, but matter of thanksgiving to God and to the instruments which have kept them from shedding of blood and from revenge."

The king immediately published a still longer paper in reply to this declaration. He began with a statement which implied a supposition on his part that his Scottish subjects had entirely forgotten all the events of the few years preceding:—"It is now," he said, "we suppose, known to the christian world, and will be known to after-ages, with what princely grace and fatherly indulgence we have demeaned ourself to that our native kingdom of Scotland, since our first coming to the crown; how, without insisting on those actions and circumstances which might have diverted our inclination and affection from them, we complied with that wonderful freedom and benignity with our subjects there, that there was nothing within their own hearts' desire towards a complete happiness within that kingdom, which we did not estate them in; and that no accidents or absence of ours might lessen and abate the continuance thereof, we granted them such unusual immunities and privileges, that we had reason to expect, as we had made them objects of such excess of bounty and affection from us, that so they would make themselves examples of eminent gratitude and duty to us; and that whensoever our safety, honour, and interest (which they are so much obliged to defend, by their duty of allegiance, by the laws of that kingdom, by their many and often reiterated oaths and promises, and particularly by the national covenant) should be in danger, that they would as one man, obliged by the laws of God and man, apply themselves to our succour and defence."

The king then went on to state, in a very distorted and one-sided manner, all that had passed between him and his Scottish subjects since his departure from the parliament; and in conclusion he declared that the calling of the convention of estates, without his warrant or consent, was contrary to the constitution and fundamental laws of the kingdom of Scotland; that all its acts and resolutions were null and void, and not binding on the obedience of his subjects; that those for raising money for the maintenance of an army and for calling his subjects to arms were treasonable and rebellious; and he therefore required all his

loving subjects of that kingdom, on their allegiance and on pain of treason and rebellion, to yield no obedience and give no countenance to the said proclamations, or to any others of the same nature published without his consent. "And if, after all this, the power of these mischievous persons (whom the conscience of their guilt hurries on to despair) proves so great as to persuade our subjects of that kingdom, undisturbed and unprovoked, as themselves confess, wantonly to throw away that blessed calm and peace which they now do and may, if they please, always enjoy, and to invade this kingdom, already invested with traitorous and rebellious arms; they must not wonder, if we leave no means unattempted to suppress and punish such odious ingratitude and treason; since no subject of that our native kingdom can in this quarrel engage himself against us, without being a hater of his brethren, against christian and common charity, a hater of himself and his posterity, against the law and light of his own conscience, a hater of the king and his kingdom, against loyalty and common duty, and a hater of God, against all religion and peace. And we doubt not but the spirits of all true Englishmen will rise with that anger and indignation at this unheard-of insolence, where there is nothing pretended but a resolution to give and impose new laws upon them, that they will be united as one man to oppose the pride and tyranny of this invasion; and that they will easily conclude, that neither conscience nor brotherly affection engages them from their own peace and quiet in this ungodly errand, but a hope and resolution to make a conquest by the help of their civil dissensions, and to inhabit their most fruitful and pleasant places; for that the same kindness will carry them out, which brings them in, cannot be imagined by any sober understanding. In a word—if the sins of both nations have prepared a judgment from heaven, that they are to be drowned and confounded in each other's blood, what portion soever we shall have in the calamity, God and men will bear witness, that we have not been wanting in our duty to prevent all the following misery and desolation."

No answer was made by the privy council and convention to this vindictive and furious denunciation, but the Scottish army made its preparations for crossing the border.

CHAPTER XV.

THE SCOTTISH ARMY ENTERS ENGLAND; BATTLE OF MARSTON-MOOR; CAPTURE OF NEWCASTLE-UPON-TYNE; PROCEEDINGS IN SCOTLAND.

On the 13th of January, 1644, the Scottish army under the command of the earl of Leven, at Harlaw, near Berwick, numbered eighteen thousand foot and three thousand five hundred horse. Leven had waited there the arrival of a committee of the English parliament, which, joined with a committee of the estates of Scotland, was to form a committee of the two kingdoms to superintend and direct the operations of the army. Between the 13th and the 19th, the different divisions of the army, which seem to have been scattered over the country, were called in, and on the day last-mentioned they marched into England. Next day the committee of the two kingdoms addressed a letter to sir Thomas Glenham, the king's commander in Northumberland, who was stationed at Alnwick with other officers and gentry of the county, informing them of the march of the Scots, requiring their co-operation, and intimating that any display of hostility would be met with force. In reply, Glenham requested time for consultation, and having called together the gentlemen of the county and the officers who were with him, he put to them three questions: 1. what they should do with those places in the county which were not yet in possession of the Scots, but which they could not protect against them? 2. What answer they should return to the letter of the committee? 3. Whether they should fight the Scottish army? On the last only of these questions were they unanimous, namely, that it would be madness to attempt with the force they had, which consisted only of two regiments of foot, sixteen troops of horse, and some small ordnance, to oppose the Scottish army in the field. It was resolved, however, that they should defend the bridge. The two other questions were rather warmly debated. The Yorkshire officers proposed that the county should be laid waste, that it might afford no accommodation to the enemy; but this was violently opposed by the gentry of Northumberland, who would have been the principal sufferers, and they carried the question against the others. With regard to the second question, some were for re-

turning a fair answer, and thus avoiding open hostility for which they were not prepared. Others urged that they ought not to give any answer until they had communicated with the marquis of Newcastle as their commander-in-chief in the north. A third party were of opinion that the letter of the committee of the two kingdoms must be sent to the king, before any answer could be given. It was, however, finally resolved that an immediate answer should be returned, and accordingly sir Thomas Glenham wrote a letter accusing the Scots of disloyalty and ingratitude to their sovereign, denying the authority of any committee or committees such as had pretended to sign the letter addressed to him, and applying rather freely the titles of traitors and vipers to all who should join or assist in this Scottish invasion.

Meanwhile the earl of Leven was preparing to advance upon Newcastle. On the 23rd of January, lieutenant-general Baillie marched with six regiments of foot and a regiment of horse from Kelso to Wooler; and next day, the earl of Leven himself, who had halted at Adderston till his artillery came up, reached Alnwick. The weather hitherto had been severe, and the ground was covered with deep snow, but a sudden thaw now coming on caused a flood which impeded the march of the infantry, who were often above their middles in water. Nevertheless, they pressed forward, and sir Thomas Glenham, who had intended to destroy Felton-bridge in his retreat, was followed so closely that he was obliged to hurry on to Morpeth without executing his design, and from that place he marched without delay to Newcastle. While Leven, with the main body of the army, advanced to Morpeth, the marquis of Argyle, with another division, made himself master of Coquet Island. At Morpeth Leven remained five days to refresh his army; and on Saturday, the 3rd of February, the Scottish army presented itself before Newcastle, and the mayor and corporation were summoned by the committee of the two kingdoms to surrender. The main force of the royalists in the north

had been collected in Yorkshire, under the immediate command of the marquis of Newcastle, who, hearing of the approach of the Scots, had hastened with a detachment of troops to the relief of that town, which he entered the day before that on which the Scots presented themselves before it. The town-council, therefore, returned answer to the summons of the committee, that, seeing the king's general was at that time in the town, they conceived all the power of government to be in him, and that it was not their duty to return a more definite answer; but that, if he had not been there, they themselves intended to hazard their lives and fortunes, rather than betray the trust reposed in them and forfeit their allegiance to their sovereign.

Some slight skirmishing took place on the day of the arrival of the Scots before the town, and to show the resolution of the inhabitants to defend it, the suburbs were fired the same evening by order of the marquis of Newcastle, and continued burning during the whole of the Sunday and great part of Monday, the 5th of February. On the morning of this latter day, a sortie was made by sir Marmaduke Langdale and colonel Fenwick, who, taking with them a body of horse and about four hundred musketeers, attacked two regiments of Scottish horse, commanded by lord Balgonie, son of the earl of Leven, and lord Kirkcudbright, which were quartered at Corbridge. At the first attack of the horse, the Scots stood their ground well, but on the arrival of the foot, they were thrown into disorder, and retreated, followed however but a short way by the royalists, who were afraid of their cavalry being separated from their infantry. Another detachment of horse, under colonel Brandling, had meanwhile crossed the Tyne and made a rapid march to take the Scots in the rear, and cut off their retreat, but, when they came up with them, they were astonished to find, in consequence of the movement of the Scots, that they were in their front instead of their rear, and that the Scots were prepared to receive them resolutely. Colonel Brandling, in a bravado, rode forward in advance of his troops, and flourishing his pistol, offered to exchange a shot with any one of the enemy's officers. A lieutenant Elliot accepted the challenge, and both having fired their pistols without effect, were wheeling about to draw their swords, when Brandling's horse stumbled, and Elliot seizing hold of him, pulled him

off, and carried him away prisoner. The royalists were so disheartened by the loss of their commander, that they did not withstand the attack of the Scots, but made a hasty retreat to Newcastle, with some loss.

This appears to have been the only affair worth recording during the fortnight the Scots remained before Newcastle. At length they determined to give up the siege for the present, and cross the Tyne, leaving behind them six regiments of foot and some troops of horse under the command of major-general sir James Lumsden, who took up his quarters on the north side of the town for the purpose of holding the garrison in check. On Thursday, the 22nd of February, the main body of the army moved to Had-don-on-the-Wall, where they passed the night, and next day they were quartered along the river side from Ovingham to Corbridge. At Hexham, near the latter place, there were three regiments of the marquis of Newcastle's horse, which remained on the defensive during the day, but at night effected their retreat. On the 28th of February, the Scots passed the river Tyne unopposed, at the three fords of Ovingham, Bidwell, and Altringham, and quartered for the night in the villages on the other side. From thence they marched to the river Derwent, which they crossed at Ebchester, and next day came to the neighbourhood of Chester-on-the-Street. On Saturday, the 2nd of March, they crossed the river Wear in the neighbourhood of Lumley-castle, and, having remained quietly at Harrington and the adjacent villages, they entered Sunderland on Monday, the 4th of March.

The marquis of Newcastle, meanwhile, having called in the forces from Durham, and received an accession of more troops of horse, under the command of sir Charles Lucas, from Yorkshire, found himself at the head of a force of fourteen thousand men, and with these he determined to march after the Scots. On Wednesday, the 6th of March, he drew up his men in order of battle within three miles of Sunderland, upon which the Scots also marched out in battalia, and kept the field all night. The two armies remained in presence of each other two or three days, but neither ventured to attack the other; and the Scots were at this time much straitened for provisions, for of five barks that were sent them from Scotland with supplies, three were cast away in a tempest, and the other two driven into the Tyne, where they were captured by

the royalists. The marquis of Newcastle, knowing their necessities, retired from before Sunderland to Durham, as an advantageous post for watching his opponents, and cutting off supplies by land. On the 13th, the Scots, leaving two regiments to occupy Sunderland, marched also towards Durham, to seek better quarters for their horses, but not finding it, and unwilling to leave Sunderland behind them until it were better fortified, they drew back again, and established themselves round South Shields, where there was a fort, an out-post of Newcastle. This they immediately attacked, but without success, for the little garrison beat off the assailants with loss. On the 19th of March the Scots kept a solemn fast throughout the army; and on the 20th a new storming party was appointed, who, after a short struggle, made themselves masters of the fort of South Shields, in which they found five pieces of ordnance, seven barrels of powder, and seventy muskets. The garrison had made their escape by water. The same day colonel Ballantine marched to Chester-on-the-Street, and surprised there a troop of the marquis's horse, and brought away forty of them prisoners.

The position of the Scottish army was still embarrassing, and even critical, for in their present quarters they had plenty of provisions for the foot, but none for the horse, and if they moved to quarters where the horse would be better supplied, the foot were in danger of being starved. With the army of the marquis of Newcastle, strong in horse, so near, it would have been very hazardous to separate their horse from their foot. The marquis himself relieved them from this dilemma, by marching with his whole force on the 23rd of March to Chester-on-the-Street to give them battle. During the next day, which was a Sunday, the two armies remained drawn up in face of each other at Hilton, till the approach of night, when they mutually cannonaded each other, and advanced parties of musketeers continued skirmishing till eleven o'clock. Next day they still continued facing each other, but neither was willing to begin the attack, and at length the marquis withdrew towards his former quarters at Durham. In his retreat, a party of the Scots fell upon his rear, and killed or took about thirty of his men, but they were repelled by sir Charles Lucas with his brigade of horse. The Scots now removed to Easington, between Durham and Hartlepool, where they found better quarters for

forage, and having remained in them till the 8th of April, on that day they moved to Quarendon-hill, nearer Durham.

Such was the position of the Scottish army, when a succession of events in Yorkshire entirely changed the face of things in the north. When the marquis marched from Yorkshire to Newcastle to oppose the advance of the Scots, he left colonel Bellasys, governor of York, with a force in horse and foot sufficient to keep that county in check, as the adherents of the parliament were not at that moment very strong in it. The committee of the two kingdoms sitting in London, thinking that the absence of the marquis afforded a good opportunity for recovering their influence in Yorkshire, sent orders to the lord Fairfax, and to his son sir Thomas Fairfax, who was in Lancashire besieging Lathom-house, that they should immediately unite their forces, and turn them against Bellasys. Sir Thomas Fairfax, accordingly, leaving a part of his forces to continue the siege, marched with the rest into Yorkshire. Meanwhile Bellasys had already met with a check in an attempt to surprise colonel Lambert at Bradford, when he obtained intelligence of the march of sir Thomas Fairfax to join his father, which he determined to prevent. For this purpose he advanced to Selby, where, on the 11th of April, he was attacked by the parliamentarians and defeated with great loss, Bellasys himself being taken prisoner, with many of his officers.

This disaster placed the marquis of Newcastle in a critical position, between two powerful armies,—the Scots, who had already advanced within a short distance of Durham, and the victorious parliamentarians in Yorkshire. In this conjuncture of affairs, the object of most importance was to preserve the city of York for the king, and accordingly, on the 13th of April, having drawn all the forces that could be spared out of the garrisons of Newcastle and Lumley-castle, he commenced his march with his whole army towards the south, in such haste that he left much of his provisions and baggage behind him. That night he lay at Bishop's Auckland, and next morning continued his march towards Barnard Castle and Pierce Bridge. Scottish general began his march on the same day as the marquis of Newcastle, and followed him so close that on Monday the 15th of April there was some severe skirmishing between the Scottish advance guard and the rear of their opponents. The mar-

quis entered York on the 19th. The day before, the Scottish army, having arrived at Wetherby, was visited by lord Fairfax and his son sir Thomas, and next day the earl of Leven returned the visit, and it was agreed that the two armies should join at Tadcaster on the 20th, and thence march to York to invest the city with their united forces. When their union had thus been effected, they still found that their forces were not sufficiently numerous to beleaguer the city on all sides, and as Newcastle had a force little short of five thousand horse, which he could move rapidly from one side to the other, they could not venture to separate their army by placing the river between it, and so exposing a part to be overwhelmed before it could receive assistance from the other. It was determined therefore to await the arrival of the earl of Manchester from Lincolnshire, with the army of the associated counties.

The earl of Manchester, who had been hitherto better known as lord Kimbolton, and who had for his lieutenant-general Oliver Cromwell, was at the head of fourteen thousand brave and well-disciplined troops. He set down before the city of Lincoln on the 3rd of May, and after some resistance made himself master of the lower part of the city, the besieged retreating to the minster and the castle, which, from their position, were very difficult of attack. For two or three days, the attack was delayed by unusually tempestuous weather, but early on the morning of the 7th, at a preconcerted signal, the troops of the earl of Manchester rushed to the attack, and, in spite of a very brave defence, the works were all carried by storm. About fifty of the royalists were slain in the attack, but the rest crying quarter were spared, and the whole garrison, including their commander, were taken prisoners. The loss of the assailants was eight killed, and about forty wounded. Encouraged by this success, the two houses of parliament passed an ordinance for maintaining the forces under the earl of Manchester, and that general now opened a communication with the confederated army by constructing a bridge of boats near Gainsborough. Leaving two regiments of foot to defend this bridge, and sending nearly three thousand horse to join with the Scots in watching sir Charles Lucas, Newcastle's lieutenant-general, who had been sent out of York with a powerful body of horse to forage in Yorkshire and the

adjoining counties, Manchester proceeded with the rest of his army to York, and joined the confederate army there on the 3rd of June. The siege of York was now begun in earnest, and continual skirmishes took place between the besieged and the besiegers. On the 5th of June, a battery of four pieces of cannon was raised on the hill near Walmesgate, which played on the castle and town all that afternoon, and was briskly responded to by the garrison. Next day, the besieged set fire to the suburbs, and drew their people into the town. The besiegers endeavoured to quench the flames, and save the houses for their own shelter, which gave rise to many hot encounters between the two parties. In an attack on the suburb of Walmesgate, the earl of Manchester's forces took the church of St. Nicholas. The Scots, more fortunate, in an attack near Micklegate-Bar, brought away a considerable booty of cattle and horses. The besieged also made several spirited sallies, but were always beaten back with loss. Encounters of this kind took place so frequently, that no record of them was attempted.

York was now hard pressed, and its only hope of relief lay in prince Rupert, who was at this moment throwing a gleam over the king's fortunes by his brilliant successes. After the relief of Newark, he had marched into Shropshire and taken Longford. From thence marching into Lancashire to raise the siege of Lathom-house, he took Stopworth from the parliamentarians on the 25th of May. The troops of the parliament before Lathom-house immediately raised the siege and fell back upon Bolton, where they were followed by prince Rupert. On the 28th of May, Bolton was taken by storm, and the cruelty of the forces under prince Rupert on this occasion presented a striking contrast to the humanity of the earl of Manchester at Lincoln. Not only did the royalists put great numbers to the sword in the town of Bolton, denying quarter and committing all sorts of outrages, but they pursued the unresisting fugitives for miles round, and wherever they found them in outhouses, fields, highways, and woods, put them to death without mercy. Rupert's next exploit was the capture of Liverpool, which was taken, after a brave defence, on the 11th of June, and in revenge for the prudent foresight of the governor, who had removed the military stores and the more valuable goods from the town into the

shipping, the soldiers were let loose upon the town, and their conduct was more savage even than at Bolton. It was in the midst of these successes that a message came from the king ordering the prince to hasten to the relief of York, and thither now he directed his march.

The marquis of Newcastle, aware of prince Rupert's movements, and fearful of being too hard pressed before his arrival, opened a parley with the three parliamentary generals on the 8th of June, and gave indirect intimations of an inclination to treat. Accordingly, on the night of the 9th, the earl of Leven, the lord Fairfax, and the earl of Manchester, met and named their commissioners for treating for a surrender. These were, for Leven, the earl of Lindsay and the lord Humber, for Fairfax, sir William Fairfax and colonel White, and, for Manchester, colonels Russell and Hammond. A messenger was sent to inform the marquis of Newcastle of the names of the commissioners and of their readiness to treat, with a refusal to yield to a cessation of arms in any part of the city except in the place appointed for the treaty. Newcastle's reply was delayed three days, and then he refused to treat unless the cessation of arms were general. On the 12th, the three generals sent him a formal summons to surrender the city within twenty-four hours. Newcastle replied on the 13th, that he knew the generals were men too full of honour to expect the rendering of the city upon a demand, and upon so short an advertisement to one who had the king's commission to keep it, and when there were so many generous persons, and men of honour, quality, and fortune, concerned in it. "But truly," he added, "I conceive this said demand high enough to have been exacted from the meanest governor of any of his majesty's garrisons; and your lordships may be pleased to know, that I expect propositions to proceed from your lordships, as becomes persons of honour to give and receive from one another; and if your lordships therefore think fit to propound honourable and reasonable terms, and agree upon a general cessation from all acts of hostility during the time of a treaty, then your lordships may receive such satisfaction therein, as may be expected from persons of honour, and such as desire as much to avoid the effusion of christian blood, or destruction of cities, towns, and counties, as any whatsoever, yet will not spare their

own lives, rather than to live in the least stain of dishonour." On receiving this letter, the three generals consulted together again, and it was resolved that, lest they should seem adverse to a treaty at all, they should yield to a general cessation of hostilities during the treaty, three hours before it began, and three after its conclusion. Thereupon, the marquis of Newcastle named his commissioners, who were, the lord Witherington, sir Thomas Glenham, sir William Wentworth, sir Richard Hutton, sir Thomas Mottam, and sir Robert Strickland. The commissioners from both sides met at three o'clock on the 14th of June, with a guard of musketeers, in a tent between two forts, one of which had recently been taken by the besiegers, while the other was still held by the besieged. After sitting six hours, that is from three o'clock till nine at night, the meeting broke up without any satisfactory result. The propositions handed in by the royalists were, that the city should be rendered within twenty days, provided that within that time no relief came from the king or prince Rupert; it was then to be delivered on the conditions—1. That Newcastle, with all his officers and soldiers, should have free liberty to depart with colours flying and match lighted, and to take with them all arms, ammunition, artillery, money, plate, and other goods belonging to them, carriages being provided for their conveyance, provisions for their food, and an escort for their safety; and that they should have liberty to stay, or appoint others to stay, forty days in the town, for the purpose of selling or conveying to some other places such goods as they should not be able to carry with them; 2. That the gentry, who were with them in York should be allowed to go home to their houses without molestation; 3. That the citizens should enjoy all their privileges or liberties, and should not be questioned for anything they had done against the parliament—that the parliamentary garrison should be composed only of Yorkshiresmen—and that the churches and ecclesiastical government of the city should not be interfered with; 4. That all ministers, or other ecclesiastical persons, should be allowed to go away with the army, or to retire to their livings; and 5. That good hostages should be given for the full performance of the treaty, and that Clifford's tower, the chief fort in York, should remain in the hands of the royalists

until these articles had been punctually performed." The besieged can never have expected that such articles as these would be accepted, and accordingly the officers of the three generals objected to them at once, but, to take away all room for complaint on the other side, they agreed to send them by three of their own number to be submitted to the three generals. After an absence of two hours, the three commissioners returned, bringing with them a paper containing the terms which the three generals agreed upon offering to the marquis. These were, that the city with all its forts, together with all arms, ammunition, and other warlike provisions, should be delivered up to the parliamentary forces, upon condition that, first, the common soldiers should have free liberty and licence to depart to their own homes, and carry with them their clothes and their own money (not exceeding fourteen days' pay), and that they should be protected from violence, they promising that they would not thereafter take up arms against the parliament or protestant religion; second, that the citizens and ordinary inhabitants should have their persons and homes protected from violence, and should have the same free trade and commerce as others under obedience of king and parliament, and that no troops should be admitted or quartered in the town except such as were appointed for its garrison; third, that the officers of all qualities should have liberty to go to their own homes, with swords and horses, and to carry with them their apparel and money, the latter not to amount to more than a month's pay; fourth, that any officer, recommended by the marquis of Newcastle, should have a pass to go beyond the seas, on promising not to serve against the parliament and protestant religion; fifth, that the gentry and other inhabitants of the county of York, then within the city, should have liberty to go to their homes and be protected from violence. These propositions were signed by Leven, Fairfax, and Manchester. The York commissioners, who listened to them with great impatience, refused even to carry a copy to the marquis, and the treaty was broken off and the commissioners separated. Next morning, the earl of Leven sent a drummer to the marquis of Newcastle with a copy of the propositions of the three generals, to which the marquis returned a short answer, that he admired to see such propositions

sent to him, and that he could not suppose them capable of imagining that persons of honour could possibly condescend to any of them.

The operations of the siege were now renewed with vigour, and on the 16th, the day after Newcastle's reply to the propositions of the parliamentary generals, some of the earl of Manchester's men undermined and blew up a tower belonging to the manor near Bootham-bar, and having made a practicable breach, about two hundred of them rushed in, and, scaling some walls, made themselves masters of the manor, with some loss to themselves. Due notice of this proceeding had not been given to the rest of the army, so that when the alarm was given in the city, the manor was immediately surrounded by the troops of the garrison, and the besiegers who had penetrated into it were, after an obstinate defence and a loss of fifteen men killed, compelled to surrender. From this time till the 24th of June no action of importance took place, though there were daily skirmishes; but early in the morning of the day last mentioned a furious sally was made out of Munch-bar by about six hundred of the garrison, who attacked the earl of Manchester's leaguer, from whence however they were repulsed with loss.

Such was the state of things at York, when, on the evening of Sunday the 30th of June, the three generals received the first intimation of the approach of prince Rupert, who having collected all the forces he could in his march, and having been joined by sir Charles Lucas and the marquis of Newcastle's cavalry, was now at the head of an army of about twenty thousand men. According to the information brought to the parliamentary generals, the prince would establish his quarters that night either at Knaresborough or at Boroughbridge, and they determined at once to give him battle. In accordance with this resolution, having drawn off their forces from the siege without any loss during the night and morning, they marched with the whole army on Monday the 1st of July, to an extensive moor, on the south-west side of the river Ouse, four or five miles from York, commonly called Marston-Moor, where they drew up in order of battle, expecting that the prince would take that route. But instead of fulfilling the expectation, he merely placed a party of horse near a bridge to draw off the attention of the enemy on the moor, while with a small escort he pushed forwards on the

other side of the river to York, leaving his army quartered in the forest of Galtres, at about five miles from York. Having thus succeeded in relieving the city, the marquis urged the prince to remain satisfied, and not at present attempt anything against the enemy, assuring him that he had secret information of divisions among the parliamentary generals, and that he had every reason to believe they were on the point of separating and abandoning the siege. He added further, that he expected the arrival, within two days, of colonel Clavering with about three thousand men from the north, and that before his arrival he should have brought in an additional two thousand men from the garrisons around. To all this prince Rupert replied, that he had a letter from the king containing a positive and absolute command to fight the enemy, which he was in duty bound to perform. Upon this the marquis merely observed that he was ready and willing to obey the prince in all things, as though his majesty were there in person; and when some of his own friends advised him to take no part in the battle, seeing that he had been deprived of the command, he said that, happen what would, he would not shun the fight, as he had no other ambition than to live and die a loyal subject to the king.

Meanwhile the parliamentary army, disappointed in their expectation of encountering prince Rupert before he effected the relief of the city, quartered that night at Long Marston and in the villages about, leaving a great part of their horse on the moor. The generals resolved to march next day to Tadcaster, Cawood, and Selby, to obtain command of the river, and so prevent supplies of provisions from the East Riding, and at the same time, by intercepting his march to the south, thus hem him in, for the earl of Denby, with the Lancashire forces, was advancing rapidly from the west. The movement was a skilful one, and had it been carried out, might have ended in the surrender of prince Rupert's army. But when, early in the morning of Tuesday, the 2nd of June, the combined army was in motion, and the Scots, who held the van, had arrived within little more than a mile of Tadcaster, information arrived that the van of prince Rupert's army, consisting of five thousand horse, was already on the moor they had left, and was pressing upon their rear, and that the prince was bringing up the rest of his forces in order to give them

battle. Upon this the foot and artillery were ordered back with all speed, and as soon as this retrograde movement could be effected, the two armies were drawn up in order of battle. As the prince had already occupied a great part of the moor, the parliamentarians were obliged to draw up their men into a large field of rye, which being rising ground and advantageously situated, the prince sent a detachment to drive them out of it, but this attack was repulsed. The hurry of the movements occasioned by the unexpected approach of an engagement, and the proximity of the two armies when they began, created much confusion on both sides, and it was near three o'clock in the afternoon before the two armies were fairly drawn up in order of battle. The parliamentary army then fronted the moor, with its right wing leaning upon the town of Marston, and extending in line from thence to Topwith, a distance of about a mile and-a-half. The two armies were nearly equal in numbers, each consisting of about twenty-five thousand men, the prince's army having been joined by Newcastle's forces drawn out of York. The two wings of the royal army consisted of cavalry, in which they were superior to the parliamentarians. Prince Rupert commanded in person in the right wing, while the left wing was commanded by sir Charles Lucas and colonel Hurry, and the centre, or main body of the army, was commanded by generals Goring, Porter, and Tilyard. The particular post or position occupied by the marquis of Newcastle has not been recorded, but he seems to have been acting under a sense of personal ill-treatment. The right wing of the confederates, commanded by sir Thomas Fairfax, consisted of his own horse and a portion of the Scottish horse. Next to him, in the centre, lord Fairfax commanded the foot towards the right wing, consisting of all his own infantry, and two brigades of Scots for a reserve. The left division of the centre was commanded by the earl of Leven, and consisted of the rest of the Scottish foot and two brigades of the earl of Manchester's foot, with six regiments of Scots and one of Manchester's brigades for a reserve. The left wing, commanded by the earl of Manchester and Oliver Cromwell as his lieutenant-general, consisted of the whole of Manchester's own cavalry, with three regiments of Scottish horse, under major-general Lesley. At the extreme left were placed the Scottish dragoons, under colonel Frizel,

to protect the flank, because on this side the prince's front extended further than that of his opponents. The prince gave as his field-word, "God and the king!" that of the parliamentarians was, "God with us!"

As the two armies stood thus facing each other, about three o'clock a heavy cannonade was opened on both sides. It was not, however, till five o'clock that the arrangements on each side were completed, and then the two armies stood long looking upon each other in profound and terrible silence; for between them there was a small ditch and bank, which was sufficient to cause some disorder in the passage, of which each wished that the others should have the advantage. They continued so long in this posture, that on both sides they began to think there would be no battle that night. It was already seven o'clock in the evening, when the parliamentary generals resolved to advance, and, the signal being given, the earl of Manchester's foot and the Scots of the main body pressed forwards in a running march, and soon making their way over the ditch, charged their enemies. A corresponding advance of the whole army took place, and the front divisions of horse in each wing attacked each other with the utmost fury. Prince Rupert in person, with his horse, encountered Cromwell, who was hard pressed on front and flank by the flower of the cavaliers; but, after a desperate struggle, the fortune of Cromwell prevailed, and he broke through his opponents. Being well seconded by the rest of the horse of this wing, and especially by the Scots under major-general Lesley, Cromwell now drove all before him, and prince Rupert's own division, broken and dispirited, were chased out of the field. The earl of Manchester's foot, encouraged by the example of the horse, rushed on at their side, almost keeping up with them, and cutting down or dispersing their opponents wherever they encountered them. The marquis of Newcastle's own regiment, distinguished by its white uniform and its bravery, scorned to fly, and was destroyed almost to a man. The defeat of the royalists in this part of the field was so complete, that all who were not killed or taken prisoners fled in confusion towards York. On the left of Rupert's army the fortune of the day was reversed, for there the royalist cavalry, led on by colonel Hurry, defeated the horse of their opponents as completely as Cromwell had done that of the cavalry. Sir Thomas Fair-

fax and colonel Lambert, with five or six troops, alone charged through them, and joined their own victorious left. Some of sir Thomas Fairfax's newly-raised regiments, in their confused flight, fell in among their own foot and the Scots in the reserve, who thus broken and trodden down by their friends while they were furiously attacked by their enemies, soon joined in the flight, and could not be rallied till they were several miles from the field of battle, on the road to Tadcaster and Cawood. The royalists who pursued them, and who imagined that their victory was complete, were now seizing upon the carriages and the artillery, and were not a little astonished when the alarm was given that Cromwell with his horse and Manchester's foot were preparing to attack them.

Both sides now prepared to renew the struggle, the king's forces marching down the same field of rye which the parliamentarians had held against them in the morning; for the face of the battle was so exactly counterchanged, that the king's forces stood on the same ground and with the same front that the parliamentary right wing had occupied before, while the parliamentary forces held the same ground on the moor with the same front as prince Rupert held at the beginning of the battle. This second battle was fierce and sanguinary, but of short duration; for by ten o'clock the parliamentary army had obtained a complete victory, pursuing their enemies with great slaughter to within a mile of York, where the shattered remains of prince Rupert's army took refuge. Besides recovering their own ordnance and carriages, the victors took all the prince's train of artillery, consisting of twenty-five pieces of ordnance, with a hundred and thirty barrels of powder, several thousand stand of arms, and about a hundred colours, among which was prince Rupert's own standard, with the arms of the palatinate, nearly five yards long and broad, and with a red cross in the middle. Among the prisoners were sir Charles Lucas, major-generals Porter and Tilyard, a son of the lord Goring, nearly a hundred other officers, and fifteen hundred common soldiers. According to the lowest estimate the royalists had at least three thousand slain, while the victors only acknowledged a loss of one lieutenant-colonel, a few other officers, and about three hundred men.

The marquis of Newcastle had left the

fatal field in discouragement and disgust, throwing the blame of the disaster upon prince Rupert, who had given battle against his advice. Jealousy of the superiority assumed by the prince is said to have increased his discontent, and during the night after the battle he came to the resolution of throwing up his commission and leaving the kingdom. Accordingly, next morning he left York with an escort of horse and proceeded to Scarborough, where, finding two ships ready to sail from Hamburg, he embarked with his family and friends, having in his company his two sons, lord Mansfield and lord Henry Cavendish, his brother sir Charles Cavendish, Dr. Bramhall, bishop of Derry, his lieutenant-general the earl of Elthorne, the lords Falconbridge, Widrington, and Cornworth, and sir William Carnaby. They reached Hamburg on the 8th of July, and the marquis returned no more to England until the restoration. On the same day on which he left York, prince Rupert also, after appointing sir Thomas Glenham governor, went from that city, and rallying as many of his forces as he could at Boroughbridge, waited there the arrival of colonel Clavering with his detachment from the north, after which he made his way back into Lancashire.

The confederate armies passed the night of the 2nd of July on the field of battle, and next day remained quartered in the villages around, to repose and refresh themselves; but on Thursday the 4th, they returned to take up their old positions round the city of York. The same night they summoned the garrison to surrender at discretion, but sir Thomas Glenham and the mayor returned a joint answer that they would not deliver up the place on such terms. The siege operations were therefore continued with vigour until the 11th, when, the besiegers having made their approaches almost to the city walls, and having prepared their ladders and all other things for storming, the besieged intimated their desire for a treaty. Arrangements having been made on the following day, and hostages given for their safe conduct and return, sir William Constable and colonel Lambert went into the city on the morning of Saturday the 13th, who, having spent the day in parley, brought back in the evening a request that commissioners might be sent in with authority to treat and conclude on articles for the peaceable surrender. The commissioners were, the lord Humble, sir William Constable, sir Adam Hepburn,

and colonel Montague. They went into York on Monday morning, the 15th, and at noon came back with the articles of surrender for the signatures of the generals. It was agreed that the garrison should march out with their baggage and with the honours of war; that the persons and property of the citizens should be respected; and that two-thirds of the parliamentary garrison to be placed in York should consist of Yorkshiresmen. On these terms, York was surrendered to the parliamentarians on the 16th of July, and, after the garrison had marched out, the three generals, proceeding together into the city, went direct into the minster, where a psalm was sung, and thanks given to God for their successes, by Mr. Robert Douglas, the earl of Leven's chaplain; and the Thursday following was appointed to be kept as a day of thanksgiving by the whole army.

Jealousies had already sprung up in the besieging army between the presbyterians and the independents, and these were considerably increased by the distinguished exploits of Cromwell, who was already looked upon as the head of the independent party, in the eventful evening on Marston-Moor. In the letters and other writings of Scottish ministers and officers who were present in the battle, we see how this feeling of religious party zeal led them to detract from the merits of this great commander, and to try and rob him of his just share in the honours of the victory. Considerations arising from this feeling had perhaps a share in the determination of the three generals to separate their armies after the surrender of York. It was accordingly agreed that lord Fairfax should remain at York as governor of that city, but that he should send a thousand horse into Lancashire, to join with the parliamentary forces of that county, Cheshire, and Derbyshire, to watch the motions of prince Rupert, and endeavour to recover Liverpool, which was a place of importance as the port to which troops might be brought from Ireland. The earl of Manchester was to proceed into Lincolnshire, and recruit his army from the associated counties. Lastly, it was agreed that the earl of Leven with the Scottish army should march northward, and join with the earl of Calender, who was advancing with additional forces, in reducing the town of Newcastle. The earl of Manchester commenced his march southward on the 20th of July, but the earl of Leven did not break up his

camp till the 1st of August. The earl of Callander, at the head of a reserve force of ten thousand Scots, had already entered England, and having taken Hartlepool and Stockton, he advanced to Newcastle on the 26th of July. After some sharp skirmishing (for the garrison of Newcastle was strong and well provided), the Scots possessed themselves of Gateside, and thus blocked up the town on that side. Before the earl of Leven commenced his march from York, he sent forward three regiments of horse and a regiment of dragoons, under the command of major-general Leslie, to hasten forward and co-operate with the earl of Callander. On the 10th of August, Leven himself crossed the Tyne, and taking up his position on the north side of the town, assumed the command of the united Scottish army.

Newcastle was now closely besieged on all sides; but, confident in the strength of its garrison, it showed no inclination to yield. On the 14th of October, when the siege operations were already far advanced, Leven sent in a summons to the mayor, sir John Morlay, who was also governor of the town, and to the corporation, in the following words:—"We Alexander, earl of Leven, lord-general of the Scottish armies, that it may be more manifest and appear to all men how exceedingly we desire you to prevent those evils which cannot be longer avoided, notwithstanding you have been formerly invited by our several letters in all fair manner to think on those ways which might conduce to your welfare, do by these presents require and summon you to give up and surrender the town of Newcastle to us, to be kept for the use of the king and parliament; that citizens and soldiers may be safe, and the town being preserved from ruin may enjoy the fruits of settled peace, whereof other towns reduced to the same just obedience do now liberally taste. You are likewise earnestly desired by no means to conceal this our last offer and warning from the citizens and soldiers, as you will be answerable to God and those whom it may concern. If in these things you fail, you may then expect the extremities of war; and we profess ourself and the army under our conduct to be altogether free and innocent of whatsoever bloodshed and other calamities may ensue through your obstinacy. Hereto we expect a present answer. Given under my hand at Elswick, before Newcastle, 14th October, 1644.—Leven." To this summons the following

answer was returned:—"My lord,—We have received your letter, wherein you require and summon us to give up and surrender the town, as you say for the use of king and parliament, alleging divers reasons, mixed with threats, to move us thereunto; all which we have well weighed and considered, and as formerly, so now return this answer,—that we declare to you and all the world, that we keep this town for the use of his majesty, and that we have full power and authority from his majesty so to do; and if either you or any other can show us better or later warrant from his majesty, we will submit. And although we neither dare nor will acknowledge, that disloyalty to our lawful king (which you call reducing to just obedience) is the way to preserve us from ruin and to enjoy the fruits of a settled peace, yet that you and all the world may see we desire to shun the effusion of christian blood, we desire you to send us in writing upon what terms and conditions you would have us deliver up the town, and then we shall return you a further answer, which we hope will be satisfactory. And if this will not give you content, proceed and prosper as your cause requires, and let the blood that is or shall be spilt lie upon their souls and consciences that deserve it; and if we be in the fault, let this subscribed under our hands testify against us." This letter was signed by sir John Morlay and thirty other persons of note in the town. Looking upon it as an invitation to treat, the earl of Leven entered into further communications, the result of which was that sir John Morlay, sir Nicholas Cole, and sir George Baker, were named commissioners for the town, and sir Adam Hepburn, sir David Hume, and George Rutherford, for the Scots. These commissioners met in the town on the 18th of October, but the governor assumed so high a tone, that the conference broke up without coming to any conclusion, and the Scottish commissioners returned to the camp. They were followed almost immediately by a messenger from the three commissioners of the town, bearing the following letter to the earl of Leven:—"My lord,—We have had some discourse this day with your commissioners; but you have bound them to have our answers to your demands in so short a time, as we could not give them that satisfaction as we would gladly, considering they demanded that which was not according to your propositions, namely, his majesty's

honour and the welfare of Newcastle. But we are so unwilling to see christian blood shed, as that if you please to rest satisfied till Monday, we shall then, God willing, send you such propositions as we hope will give content. If this will not serve, we trust God will deliver us out of your hands." To this letter, Leven immediately replied as follows:—"Right worshipful,—I received your letter this night at eight o'clock, wherein you show that you had some discourse with the commissioners sent from this place, and allege they demanded that which was not according to my propositions, namely, his majesty's honour and the welfare of Newcastle, and promise to send propositions on Monday next. As your assertion of the commissioners' demands is more than you can make good, that they were either against his majesty's honour or the welfare of the town of Newcastle, so I admire how you are not ashamed still to continue in your dilatory way, and draw on the guilt of innocent blood upon your head. You demanded a treaty, and commissioners to be sent into Newcastle, which was accordingly granted, who expected that you should have proposed conditions and propositions to them, whereby a happy and peaceable conclusion might have been made. And albeit you would neither propose to them, nor suffer anything to be put in writing, yet they were content so far to open themselves to you, even in the particulars that could have been demanded either for the officers or soldiers, townsmen or strangers, that no better conditions had been given to any town reduced to obedience of king and parliament within England. This your dealing makes it too apparent, that whatever your pretences be, your intentions have not been real; yet such is my earnest desire and real intention to shun the effusion of christian blood, that I have caused to draw up such honourable conditions as you cannot in reason refuse, which I have herewith sent you. Whereunto if you agree, I desire that you send to my lord Sinclair, his quarters at Sandgate, to morrow, being the 19th of October, at or before six o'clock in the morning, four or five sufficient hostages, for delivery of the town upon these conditions by Monday the 21st, at two o'clock in the afternoon. And if you fail of sending out these hostages at the hour appointed, I shall take it as a refusal, and give up all treaty; and in the meantime no cessation until the hostages come out upon the conditions aforesaid,

whom we expect before or at eight o'clock, or not at all. So I rest, your friend,—Leven. Elswick, before Newcastle, October 18th." The conditions offered by the earl of Leven in a paper accompanying this letter, were quite as favourable as those which had been given to York, and amounted to a safe convoy to the garrison, who were to be allowed to march out with arms and baggage, and full protection to the town and its inhabitants. Next day, instead of hostages, the governor and his two fellow-commissioners sent the following letter to the earl of Leven:—"My lord,—We received your letter, wherein you say we cannot make good that your commissioners' demands are against either his majesty's honour or the welfare of Newcastle. We will give you but one reason amongst many, whether it be for his majesty's honour that the town of Newcastle should be rendered to any of another nation; nay, more, if it be for the honour of the English parliament; and that it is not for our welfare, is so clear as it needs no answer. And whereas you say you wonder we are not ashamed to be so dilatory, having demanded a treaty, we say we wonder you can be so forgetful, knowing we have your letter to show that the treaty was your own motion. But for answer to the rest and to your articles we say, the delivery of Newcastle is not of so small moment, but, if you intend as you say, time may well be given till Monday for giving answer; for in case we should give content to let you have this town, there are divers more articles than you have set down, both fit for us to demand and you to grant; therefore, if you would shun effusion of blood, as you profess, forbear your acts of hostility until we give you answer upon Monday, wherein we will not fail; otherwise we doubt not but God will require an account at your hands, and besides will keep and preserve us from your fury." At the same time, sir John Morlay individually addressed the following letter to the lord Sinclair:—"My lord,—I have received divers letters and warrants, subscribed by the name of Leven, but of late can hear of none that have seen such a man; besides, there is a strong report that he is dead. Therefore, to remove all scruples, I desire our drummer may deliver one letter to himself. Thus wishing you could think on some other course to compose the differences of these said distracted kingdoms, than by battering Newcastle and annoying us, who never

wronged any of you; for if you seriously consider, you will find that these courses will aggravate and not moderate distempers; but I will refer all to your own consciences, and rest your friend—John Morlay. Newcastle, 19th October.” This last letter was looked upon by the Scots as an insulting jeer, and they began to work their batteries with more fury than ever.

About three o'clock in the afternoon of the same day, while the besiegers were diligently pushing forward their mines, and had placed their powder, the earl of Leven received information that the besieged had approached very near them with a counter-mine; he immediately gave orders that fire should be given to two mines which were thus endangered, and that everything should be made ready for the assault. These mines soon afterwards exploded, but as the breach thus made was not large enough, the other mines were fired, and then, though it was already dusk, the Scottish regiments, who were formed ready for the signal, advanced all at once towards the breaches and places in the walls which were opened by the explosion of the mines, but they met with a brave and resolute resistance from the troops within. It was not until after a desperate struggle of two hours at the breaches, with a considerable loss of men, that the besiegers forced their way in at a breach on the west side of the town, near Close-gate; but this party had no sooner entered the town, than they were fiercely attacked by the horse who were within, and a new combat began. The Scots, however, held their ground till their reserve came up to their assistance. The alarm was now given that the enemy was in the town; upon which the troops of the garrison fell back from the walls, or slackened in their defence, so that the besiegers soon entered in on all sides, and made themselves masters of the place. The governor, with those who had been most resolute for holding out the town, among whom were the earl of Crawford, the lord Maxwell, and Doctor Wishart, and a part of the garrison escaped into the castle. The moderation shown by the Scots in the use of their victory displayed a marked contrast to the barbarity with which towns taken by storm had been treated by prince

Rupert. It was not till next day, which was Sunday, that the earl of Leven entered the town, when, with his chief officers, he proceeded first to the church, to return thanks for his success. On Monday morning, sir John Morlay sent the following letter from the castle to the Scottish general:—“My lord,—Although you have the fortune of war against me (and that I might, I confess, have had honourable terms from your excellency), yet I hope your nobleness will not think worse of me for doing my endeavours to keep the town, and to discharge the trust reposed in me, having had strong reasons so to do, as is known to many. And now whereas I am compelled to betake myself to this castle, I shall desire that I and those with me may have our liberty and your license to stay, or go out of the town with your safe pass, to his majesty's next garrison which is not beleaguered, with our horses, pistols, and swords, and to have fourteen days' time to dispatch our journey, so many as please to go. And truly, my lord, I am yet confident to receive so much favour from you, as that you will take such care of me, as that I shall receive no wrong from the ignoble spirits of the vulgar sort (for I doubt no other.) I must confess I cannot keep it long from you; yet I am resolved rather than to be a spectacle of misery and disgrace to any, I will bequeath my soul to him that gave it, and then refer my body to be a spectacle of your severity; but upon these terms above said, I will deliver to you. And so entreating your answer, I rest, your friend and servant—John Morlay. From the castle in Newcastle, October 21, 1644.” These conditions were refused, and sir John and those who were with him surrendered at discretion. He appears to have held out the town against the will of the populace, and on his surrender he was, according to his own request, committed to his own house, with a strong guard to defend him from their fury. He was afterwards sent as a prisoner to the parliament, but he found means to escape from the hands of the serjeant-at-arms. The Scottish nobles, Crawford and Maxwell, and Doctor Wishart, were sent under a guard to Edinburgh.

CHAPTER XVI.

HUNTLEY'S INSURRECTION; EXPLOITS OF THE MARQUIS OF MONTROSE IN THE NORTH, UNTIL HIS FINAL DEFEAT.

WHILE the Scottish army was thus progressing in England, the king was yielding himself up more and more to the violent counsels of the marquis of Montrose. We have seen how Montrose's proposal, after the arrival of the queen in 1643, to surprise the covenanters and put their leaders to death, had been overruled through the more moderate counsels of the duke of Hamilton. Both noblemen returned to Scotland, to assist in managing the convention of estates, but failing in this, and subsequently prosecuted for refusing to sign the covenant, they had returned with other noblemen of the king's party to court. On their arrival at Oxford, the king, who seems in his mortification at the ill-success of his affairs in Scotland to have attributed it to his hesitation in accepting the advice of Montrose, was persuaded that the contrary advice rose from secret disaffection to his cause, and placed Hamilton and Lanark under arrest. The latter made his escape and fled to London. Hamilton was accused of treason, and, after being refused a trial, he was imprisoned first in the castle of Pendennis, and subsequently in that of St. Michael's Mount in Cornwall, whence he was released by the parliamentary forces, when that fortress surrendered to them in 1646.

Montrose again proposed to the king his plan of insurrection and massacre, which now met with no further opposition, and appears to have been only delayed by the urgency of other business, or by difficulties which arose in the way of carrying it into execution; until, when the Scottish army had entered England, the king became more anxious to effect some sudden and violent diversion in Scotland, and consulted with Montrose for that purpose. The marquis represented that the difficulties in the way of this undertaking were greater than before; that he had neither men, arms, nor pay in Scotland, to commence anything of importance, yet, if his majesty would lay his commands upon him, he was ready to do his best. He then proposed that a force from Ireland should be landed in the west of Scotland; that the marquis of Newcastle should be ordered to furnish him with a

body of horse, with which he might himself enter Scotland from the south; that the king should obtain a body of German horse to be sent into the north of Scotland by the king of Denmark; and that means should be immediately taken for supplying with arms such of the Scots at home as might be willing to use them in his cause. This occurred in the December of 1643; and the earl of Antrim, being at that time at Oxford, undertook without hesitation the raising of forces in Ireland, and promised to be in Argyle with ten thousand men before the 1st of April following. The king also sent instructions to his ambassador in Denmark in accordance with Montrose's suggestion, and sent the required order to the marquis of Newcastle, who, however, was in no condition to spare any of his own forces. Montrose at the same time received the king's commission as governor of Scotland and general of the forces there, and he proceeded on his mission, attended by about two hundred horse, most of them officers who had served abroad. On his way, he had a conference with the marquis of Newcastle, who was then watching the Scots in the bishopric, and Montrose's most urgent solicitations could only procure him a body of two hundred horse, with two small field-pieces. Newcastle, however, gave him orders to all the king's officers and commanders in Cumberland and Westmoreland to afford him all the assistance they could, and from them he obtained eight hundred foot and three troops of horse. With these forces he crossed the border and took possession of Dumfries; but he soon found that his position there was untenable, and hearing nothing of the troops from Ireland, and knowing that the earl of Callander with the new levies was preparing to attack him, he abandoned Dumfries, and made his retreat to Carlisle. He now engaged himself with the king's forces in Northumberland and Durham, and took and plundered the town of Morpeth, whence he was summoned to join the army of prince Rupert, who was advancing to the relief of York, but he arrived only the day after the battle of Marston-Moor. Montrose, finding the king's

cause hopeless in Yorkshire, now became urgent with prince Rupert to give him a portion of his troops for the purpose of invading Scotland, but without success.

During this vain effort of Montrose to make an impression upon Scotland from the south, the intrigues of the royalists had produced a premature insurrection in the north which proved disastrous to its leaders. The king had sent a commission to the marquis of Huntley authorising him to act against the estates, while the latter insisted upon his taking immediately the oath of their solemn league and covenant. Huntley, encouraged by the promises of support he received from court, and by the sanguine representations of Montrose, refused, alleging that he had already signed one covenant by order of the king, and that he would not sign another which came without the king's approval. Upon this, in accordance with the acts of the estates, an order was issued for the apprehension of Huntley and for the sequestration of his estates. The marquis, aware of these proceedings, began to collect his friends for the purpose of resistance, and when, about the middle of January, the sheriff presented himself at Strathbogie to carry this order into effect, though treated outwardly with civility, he saw enough of threatening aspect to make him retreat to Aberdeen, and thence report to the estates the probability of a rising. At the same time considerable resistance was shown to the raising of soldiers in this part of the country for recruiting the army in England, and to the levying of an excise-tax for the expenses of the war. The violent royalist partisan, Spalding, complains sadly of the burden thrown by the estates upon the town of Aberdeen on this occasion. "Upon Friday, the 11th of February," he tells us, "captain Strathachin marched out of Aberdeen with six score and ten soldiers, captains, and commanders, furnished out by the same burgh upon their own charges and expenses. Ilk (*each*) soldier was furnished with two sarkis (*shirts*), coat, breikis (*breeches*), hose, and bonnet, bands, and shone (*shoes*); a sword, a musket, powder and ball, for so many; and others, some a sword and a pike, according to the order; and ilk soldier to have six shillings ilk day, during the space of forty days, of loan silver. Ilk twelve of them had a baggage-horse worth fifty pounds, a stoup (*a drinking-can*), a pan, a pot for their meat and drink, together with their hire or levy, or loan-

money, ilk soldier estimate to ten dollars, and in furnishing and all to a hundred marks; which stood to Aberdeen for their expenses, by and attour (*over and above*) their captains' and commanders' charges and furniture, above ten thousand pounds Scots; which with eighteen thousand and four hundred marks of taxation was no small burden to the burgh of Aberdeen. . . . The poor town of Old Aberdeen was forced to furnish out twelve soldiers after the same manner under the lord Gordon's division, and send under captain Knab with a company of about sixty men to the army, as captain Strathachin also went for the town of Aberdeen. Sore was the poor people of the old town plucked and pounded to make up these twelve soldiers' charges, whereas some of them had not to buy a loaf. And as New Aberdeen and Old Aberdeen was pressed and wracked in finding first the men and next their maintenance, so the landward (*the country*) was not free of the like persecution, for ilk heritour (*each landlord*) was compelled to furnish out a man, two, or three, according to his rent. He came upon the tenants of the ground, who was forced for his relief to go himself or contribute with his master for furnishing out a man; because the heritour or master alleged, the tenant out of his means should contribute with him, in respect the master was liable for the fifth part of his estate to the taxation by and attour (*over and above*) furnishing of men. Thus is this land, rich and poor, pitifully plagued, without authority of a king."

Such was the state of things in this district in the latter end of February and beginning of March, 1644. The Gordons and their friends, wherever they were able, resisting the orders of the estates, and each side watching distrustfully, and sometimes committing depredations on the other. The town of Aberdeen, as Spalding informs us, was in "wonder great fear, straight watch day and night, all the ports (*gates*) closed at ten hours at even, and opened at six hours in the morning." The marquis of Huntley had much influence among the townsmen, but the municipal authorities, especially the provost Leslie, who represented the town in the convention of estates, with Robert Farquhar and several members of a family named Joffray, were zealous covenanters. Early in the morning of Tuesday, the 9th of March, soon after the town gates of Aberdeen were opened, the laird of Haddow, with Irvine of Drum, the laird of

Geicht, and other adherents of the marquis of Huntley, in all about sixty horse, invaded the town, galloped about the streets in bravado, and finished by plundering the house of Alexander Joffray, one of the bailies, of his gold rings and chains, and carrying off provost Leslie, with Farquhar, Alexander Joffray, and his brother John, dean of guild, prisoners to Strathbogie. A few day after this outrage, which was known popularly as Haddow's raid, Huntley himself, at the head of a strong body of horse and foot, entered Aberdeen in martial order with sound of trumpet, and proceeded to seize all the arms in the town, and held his council there as governor for the king. Immediately afterwards, he issued a proclamation, stating that he had been obliged to take up arms for his own defence, in support of the royal authority, and in opposition to the recent acts of the convention of estates. In a second proclamation, the marquis avowed and justified as his own act the seizure and imprisonment of the provost and the three municipal officers, alleging that they were "too well known to have been scandalous fomenters of a dangerous distraction amongst us, by countenancing and assisting some men, unhappily diverted in their neglect of the duties they owe both to conscience, loyalty, and nature; and by menacing others under their jurisdiction from rendering those lawful civilities which ought to be expected from them; and all for making us obnoxious to the rigours of other men to whose ends they concur; which, if they should be effectuated, could not but ruin us, and leave perhaps no great safety to themselves." The earl Marshall immediately prepared to collect the forces of the districts around for the purpose of suppressing this insurrection in its beginning, and having called together the committees of Angus and Mearns, he sent a mandate to the marquis to dismiss his followers. Huntley, trusting to the promises of the king and Montrose, and to the assurances, as he said, of several nobles who were to have joined him in the rising, assumed a high tone, and instead of obeying the mandate, returned an insolent message to the committee, ordering them to disperse and not disturb the peace of the country. For some days Huntley remained in Aberdeen, hoping in vain for assistance, and undisturbed by his enemies, although he was aware that they were preparing to advance against him. He was not even able to fortify the town, for he had failed in an attempt to obtain

some guns from a ship of war in the roads. Towards the middle of April he received certain intelligence that the marquis of Argyle was marching against him with a considerable army, and he became still more anxious to put the town in a posture of defence. Having been informed that there were some brass cartows, or small cannons, lying at Montrose, he determined to seize upon these and bring them to Aberdeen. Accordingly, on Saturday, the 20th of April, he sent the younger laird of Drum and major Nathaniel Gordon, with about three hundred men, horse and foot, to effect this object. About two o'clock in the morning they entered Montrose with sound of trumpet, but they at first met with a more resolute resistance than they expected, for the townsmen, timely warned of this intended visit, had given the alarm by ringing the common bell and lighting a beacon on the top of their steeple, and they were in arms to receive them. The Huntleians, however, after a short skirmish, succeeded in clearing the streets, and took possession of the guns. A ship belonging to Montrose happened to be lying dry in the harbour, in which the provost and others of the town had taken refuge with their more valuable effects. The young laird of Drum wished to convey the two cannons from Montrose to Aberdeen by sea, and the possessor of the ship seems to have amused him with a negotiation for terms of conveyance until the tide had come in. No sooner, however, was the ship afloat, than, drawing in as near as possible to the shore, it saluted the laird's company so vigorously with ordnance and musketry, that they were obliged to make a quick retreat from the beach, leaving the two cannons behind them. The laird of Drum, provoked at his failure, let loose his highlanders upon the town of Montrose, who, not slow or backward wherever plunder was in view, broke open the merchants' booths, and cleared them of all the rich merchandise, cloths, silks, velvets, and other costly ware, jewellery, gold and silver work, and arms. They broke up a pipe of Spanish wine, and caroused heartily, after which, having twice set the town on fire, though with only partial effect, they marched back in the utmost disorder to Aberdeen. A number of the highlanders having in their eagerness for plunder remained behind their companions, were captured by the townsmen and sent in chains to Edinburgh.

Huntley now began to lose all hopes of

success in his rising, and became every day more irresolute. He was still at Aberdeen, but instead of receiving any accession of force, the small number of followers he had were continually diminished by desertion. His friends in the south had not fulfilled their promise of supporting him, and no assistance arrived from the king, while he was well informed that the covenanters were assembling round him under Argyle in numbers which he could not resist; and even his own son, the lord Gordon, who had taken a different side in the political question from his father, was raising forces to oppose him. Huntley's friends, alarmed at their desperate situation, began now to murmur at his want of activity, and urged that he should at once march with all the force he could collect into the Mearns and Angus, and attempt something against the covenanters there before they had completed their preparations against him. There was a council of war in Aberdeen on the 29th of April, at which this plan was discussed, and the marquis alleged that, if he left Aberdeen and went to the Mearns, he was sure that the Forbeses, the Frasers, and other covenanters, would occupy the town immediately, and follow at his heels into the Mearns, where he would be hemmed in by his enemies. He said further, that he had sufficient reason for delay in the promises of assistance he had received. In the first place, his confidential servant, John Gordon, popularly known as John of Berwick, had returned from court with a promise from the king to send him a commission for raising of arms. The same secret agent had assured him that the king would have an army in Scotland to support his movement about the end of March. He said also, that he had hopes that the lord Forbes, with his own vassals of that name, and divers other lords and earls south and north, would have risen when he rose, and that he had lain still waiting for their rising. Lastly, he had reckoned upon a more general sympathy in the population of the country, who were groaning under the heavy exactions of the government of the covenanters. "Upon these reasons," he said, "he had too rashly engaged himself and his friends, which he perceived now had clearly failed him, and he knew well that he and his friends were not able to give battle to the invincible army coming against him." It was sore against his will, he added, to yield to these circum-

stances, and if he saw any chance of success, he would hold out to the last man. This declaration spread discouragement among Huntley's friends, but they had gone too far to retreat easily, and after some consultation, it was agreed that, since they were not able to give battle, the marquis should still keep his friends together, and that they should hang upon the enemy's wings, impede his movement, live upon the goods of the covenanters, and when hard pressed retreat into the fastnesses of Strathbogie, Auchendoun, or the Bog, and thus gain time and "bide better fortune if any help should come from the king for their relief." As the southland army was approaching fast, it was resolved that they should meet at Strathbogie with all the forces they could collect. Dissension, however, had already crept into Huntley's camp, and immediately after this counsel of war he was deserted by some of his party. This made him still more undecided in his councils, and when his friends could not prevail upon him even to take steps for carrying out the resolution of his council of war, they exclaimed in disgust, "We have shown ourselves foolishly, and shall leave the field shamefully; we thought never better of it!" The marquis and his friends separated in anger, and leaving them in Aberdeen, he retired to Auchendoun at the beginning of May, to take measures for his own safety, while his friends shifted for themselves. The provost and magistrates of Aberdeen were liberated, and sent home.

The royalists had hardly left the town when, on the 2nd of May, the army of the covenanters entered it, amounting to nearly six thousand men, well armed and well officered, and commanded by the marquis of Argyle. They proceeded immediately to make severe reprisals on Huntley's friends and adherents. Drum, the castle of the Irvines, was seized and plundered, and delivered to the keeping of a captain and fifty musketeers. Next, on the 6th of May, the army of the covenanters invested the strong castle of Kellie, in which the laird of Haddow, one of the most resolute of Huntley's adherents, had taken refuge with some of his friends. The laird himself wished to hold out to the last, but he soon found that he could place no dependence on his men, some of whom deserted on the first opportunity that offered, and after some fruitless negotiation, he was obliged to surrender at discretion on the 8th of May. He was sent

prisoner to Edinburgh. The same day that Kellie was surrendered, the army of the covenanters removed to Geicht, which was surrendered next day. On Sunday, the 12th of May, the marquis of Huntley and his adherents were publicly denounced from the pulpits of Aberdeen as traitors and enemies to the state, and sentence of excommunication pronounced against them. The marquis soon found that he was not safe at Auchendoun, and he removed secretly thence to the Bog of Geicht (now Castle Gordon), accompanied by James Gordon of Letterfury, John Gordon the younger of Auchinunzie, and the John Gordon who was known as John of Berwick. At the Bog of Geicht, as the least accessible of his houses, Huntley had deposited his treasure, and he now took thence some trunks filled with gold and silver and costly apparel, which he entrusted to James Gordon and John of Berwick, who were to find a boat to carry them and the marquis over by sea to Cousie. But these two worthies, although the marquis was their kinsman and chief, were not proof against temptation, for when they reached the shore, finding a vessel bound for Caithness, they embarked and carried the treasures with them thither, leaving the marquis behind to the chance of falling into the hands of his enemies. Huntley, meanwhile, in company with John Gordon of Auchinunzie, had crossed the Spey, and sought refuge with another of his name and kin, Alexander Gordon of Salter-hill, with whom, on hearing of the flight of his faithless dependents, he deposited a sum of a thousand dollars, which he had kept with him because he could find no conveyance for sending them, and hurried after the fugitives. Alexander Gordon, however, proved no more trustworthy than the others, for he delivered up Huntley's money to his son, who was with the covenanters. By means of another of his name, Huntley obtained a passage for himself and John Gordon of Auchinunzie in a ship bound from Cousie to Caithness, where, on landing, this powerful northern nobleman was obliged to seek shelter in a common alehouse. He was moved thence to the house of Gordon of Syddra, and next day he rode to Caithness, where he met with James Gordon of Letterfury unexpectedly, and recovered his trunks. With these he took ship again, and went by sea to Strathnaver, where he remained till the October of the following year.

Thus ended this inauspicious insurrection.

Huntley's principal adherents were either taken, or fled the country. Irvine the younger, of Drum, his son-in-law, in an attempt to make his escape by sea, was driven into Caithness, where he took refuge with a kinsman who, tempted by the reward which was set upon his head, delivered him to the covenanters. The chiefs who were taken were carried to Edinburgh, where the parliament and general assembly soon afterwards met, and they were proceeded against on the charge of high treason. The laird of Haddow, with his retainer John Logie, were first brought to trial. Haddow was accused of entering Aberdeen in a hostile manner, and carrying away prisoners the provost and magistrates; of being in arms with the marquis of Huntley against the government; of the slaughter of James Stalker at Turreff; and of killing two of the covenanters' men when they laid siege to Kellie. He boldly avowed all these acts except the killing of Stalker, and justified them as having been done in support of the king's cause. Both Haddow and his man were convicted, and condemned to death, the sentence being fully confirmed by the parliament. On the 19th of June, a scaffold was raised in Edinburgh, on which the laird and his man were both beheaded.

It was at this moment that the marquis of Montrose was entering upon an expedition which for a time was productive of disastrous consequences to the northern districts. When Montrose found all his hopes of obtaining an army for the invasion of Scotland from the south destroyed by the defeat of the royalists at Marston-Moor, he conceived the desperate but romantic project of presenting himself almost alone among the highlanders in the north. Having placed the few troops he had under the command of lord Ogilby, to whom alone he entrusted his secret intentions, he set out with them with the avowed purpose of carrying them to the king. After two days' march towards the south, Montrose quitted them secretly, leaving with them his horses, servants, and carriages, that his own absence might be the less observed. Returning with equal secrecy to Carlisle, he took two persons only as his companions, sir William Rollock and a man named Sibbald, and he himself passed in disguise as Sibbald's groom. Thus they passed the Scottish border unobserved, Montrose riding on a lean hack, and leading another in his hand. After travelling four days in this manner, they reached the house



engraved by H. G. Smith

JAMES GRAHAM, MARQUIS OF MONTROSE.

OB. 1650.

FROM THE ORIGINAL OF SANDRICK, IN THE COLLECTION OF

HIS GRACE THE DUKE OF MONTROSE.

of his cousin, Patrick Graham, of Innisbrake, near the river Tay, on the side of the sheriffdom of Perth nearest to the mountains. Here Montrose concealed himself in a cottage during the day, and wandered about the mountains at night, while his two companions went in different directions amongst his friends for the purpose of procuring accurate intelligence. They soon brought him word that the king's cause in the north of Scotland was in a hopeless condition, that the marquis of Huntley had been obliged to lay down his arms and seek refuge in the farthest corner of Scotland, and that all those from whom they could have expected any assistance were either in the prisons of the covenanters or had sought their safety by flight. Intelligence of another kind, however, came to cheer Montrose under this disappointment. A band of sixteen hundred Irishmen of the most desperate character, who had been trained to arms and murder in the rebellion under Antrim, had landed about the 8th of July in the island of Ardnamurchan, in Argyleshire, under the command of Alaster Macdonald, a highland chief. After ravaging this and an adjoining island, slaying all the inhabitants, and burning everything they could not carry away, these savage invaders, on hearing that Argyle was approaching with a numerous army, abandoned Ardnamurchan, and passed hastily over to the isle of Skye. Their sudden appearance had caused great consternation, and when the news reached Edinburgh, Argyle was sent back to the north, and a proclamation appeared summoning all men in the northern shires between sixteen and sixty years of age to assemble in arms at Aberdeen under his banner. The Irish, finding the danger not so imminent as they expected, quitted Skye, and landed at Kintail, in Ross-shire. Hence Macdonald, reviving the ancient custom of the clans, sent his messenger with a fiery cross through the shires of Murray, Ross, Caithness, and Sutherland, ordering the whole population to take up arms and wait upon the marquis of Montrose, as the king's lieutenant of Scotland, under pain of fire and sword. They thus traversed Lochaber and Badenoch, gaining every day accessions to their strength from the highland clans who were tempted by the prospect of plunder, supposing Montrose himself to be still at Carlisle, and expecting his orders. To hasten these, Macdonald, on landing, had sent a

trusty messenger with letters addressed to him at Carlisle, to inform him of their arrival. On his way over the mountains, this man, passing near Patrick Graham's, and knowing his attachment to Montrose, turned aside to pay him a visit, and did not hesitate to confide to him the intelligence of which he was the bearer, and the object of his journey. Graham, without informing him that Montrose was so near, immediately offered to take charge of the letters, and to convey them himself to the marquis, even though he had to make a journey to Carlisle for that purpose. Thus Macdonald's message reached Montrose sooner than was expected, and he wrote a letter back, as if from Carlisle, telling them that he was hastening to the north to place himself at their head, and directing them to march into Athol, the highlanders of which district were especially attached to his name, and were the most likely of any to rise at his command.

When the Irish, according to these directions, entered Athol, the people immediately rose to join them, and soon after Montrose himself, in the mean dress of a mountaineer, with Patrick Graham as his guide and only companion, arrived on foot, and presented himself as their commander. At first the Irish would not believe that a man in such mean guise could be the great commander under whom they were to fight for the king, and they were only at last convinced by the extraordinary reverence shown to him by the men of Athol, who were better acquainted with his person. His arrival happened at a critical moment; for the Irish had already been reduced in numbers, and their barbarities had made them an object of terror, and had set the whole population against them. Argyle, with an army of about six thousand men, was advancing in their rear to cut them off, and had burnt all their ships, which rendered it impossible for them to escape by the way they came, while the people in the plains were in arms, prepared to resist them when they descended from the mountains. Moreover, the men of Athol, though hearty in the cause, were backward in compromising themselves by rising before they were sure of substantial assistance. When, however, they saw Montrose present among them, they hesitated no longer, but the day after his arrival eight hundred of the best fighting-men of Athol ranged themselves under his banner, and commencing his march towards Erne,

he let loose his wild followers upon the country, and, ravaging it in the most merciless manner, began that career of brutal outrage which soon made his name hateful to his countrymen. The same night Montrose crossed the Tay with his army, and next day he was joined by about five hundred foot, under his two kinsmen, lord Kilpont, son of the earl of Taith, and sir John Drummond, a son of the earl of Perth, who had been called out by the covenanters to resist the invasion of the Irish.

Montrose was now placed between two hostile armies. Behind him was Argyle, with a considerable force, who had been sent in pursuit of the Irish depredators, and before him, at Perth, was another army, estimated at about six thousand foot and nearly seven hundred horse, under the command of lord Elcho, with the earl of Tullibardine, the earl Drummond, sir James Scott, and other gentlemen of the covenanters' party. This latter force consisted of new levies, as yet unaccustomed to warfare, and some of their chiefs were traitors to the cause they professed to serve. It was said, indeed, that there was a secret understanding between them and Montrose before the battle. When Montrose's army, rendered fiercer by the scenes of unresisted plunder and bloodshed which had attended their march, approached the plain of Tippermuir, about four miles west of Perth, they found the army of the covenanters drawn up in order of battle. It has been asserted that the whole of Montrose's arrangements for battle had been preconcerted with the traitors in the other camp. He placed the Irish, armed with muskets only, in the centre, drawing them up only three deep, and ordering them to discharge all at once, the first rank kneeling, the second stooping, and the third (in which were placed the tallest men) standing upright, and this they were not to do till they came close to the enemy. As he had no horse, he placed the highlanders on his flanks, who, with their formidable broadswords, were not ill-fitted to sustain the attack of cavalry. In this order, his men advanced rapidly over the moor, shouting loudly, and forcing back the advanced guards. At the very first attack lord Drummond, who commanded the cavalry of the covenanters' army, fled from the field, carrying the cavalry with him. It was pretended that the cavalry were driven back by a shower of stones hurled upon them by the enemy, but it was more generally believed that

the flight was the result of the treachery of Drummond and his friend Gask. The flight of the cavalry threw the undisciplined foot into such immediate and complete disorder, that, in spite of the efforts of some of their officers, especially sir James Scott, they followed the horse with such precipitancy, that many of them are said to have been found dead through fright and fatigue, without any trace of a wound. The number slain in the fight on either side was not great, but about three hundred of the covenanters were slain in the pursuit, and all their artillery, ammunition, and baggage were captured. On the part of Montrose, the lord Kilpont was slain, it was said, by one of his own men.

This engagement took place on the 1st of September. Next day Montrose entered Perth, almost without opposition, and caused it to be plundered of all goods, moneys, arms, and ammunitions, forcing such of the citizens as were capable of bearing arms to join his army. All the horses in the town were seized for the purpose of mounting cavalry, of which Montrose felt his deficiency. After this first success, many of Huntley's adherents, who had concealed themselves since the failure of his insurrection, hastened to join Montrose's standard; with others who had not hitherto dared to show their hostility to the covenanters, among whom was the lord Drummond, who justified the charge of having caused the defeat of the covenanters by treason, by openly joining their enemies. Among other men of distinction who joined Montrose at this time were the earl of Airlie, his sons sir Thomas and sir David Ogilvy, the earl of Kinnoul, and the lords Duplin and Spynie. After allowing his troops three days to plunder Perth (contrary, it was said, to the capitulation), Montrose marched into Angus, and summoned Dundee, but as the garrison which had been thrown into that place showed no disposition to surrender, and he was afraid of being overtaken by Argyle, he abandoned his design of attacking that town, and marched through the Mearns towards Aberdeen, proposing to attack the army of the covenanters there, before Argyle could arrive to assist them. The committee in Aberdeen had sent the public money, and their more valuable effects, to Dunnotter, and having collected a force of about two thousand four hundred men, had taken up a position to defend the bridge of Dee, by which they expected the enemy would

advance. But Montrose crossed by a ford at the mills of Drum, further up the river, and sent a summons to the town to surrender. As the army of the covenanters were on their march to encounter that of Montrose, though inferior in numbers, the townsmen treated the drummer who carried Montrose's summons with courtesy, made him drink heartily, and dismissed him, but by some mishap he was slain on his return. When Montrose was informed of this accident, he in a rage gave orders to attack the enemy instantly, and to give no quarter. The army of the covenanters on this occasion was composed of raw and discordant materials, like that at Perth. The right and left wings, consisting of horse, were commanded by lord Burleigh and lord Lewis Gordon, one of the sons of the earl of Huntley, and being raised in Aberdeenshire, were at least indifferent to the cause in which they were fighting. The centre was composed chiefly of the soldiers of Fife, who were more to be depended upon. Lord Lewis Gordon, with the cavalry of the left wing, rushed rashly and incautiously on the enemy's right, and were thrown into confusion by a well-directed fire from the musketeers, whom Montrose had intermixed with his cavalry: before they could recover themselves, a vigorous charge from Montrose's cavalry completed their defeat, and they flew from the field in the utmost disorder. The right wing of the covenanters experienced a similar fate; but their centre remained firm, and held Montrose's whole army at bay for two hours. At length, however, they also gave way, and were savagely pursued by the royalists, who executed literally the command of the general to spare no one. Unfortunately for Aberdeen, the fugitives directed their flight into the town, and the enemy entering with them, obtained possession of it, and continued the slaughter in the streets. The horrible treatment which Aberdeen underwent on this occasion is attested by the ultra-royalist chronicler of these events, Spalding, who was an eye-witness of what he relates, but inclined rather to palliate Montrose's atrocities than to exaggerate them. "Montrose," Spalding tells us, "followed the chase into Aberdeen, leaving the body of his army standing close unbroken until his return, except such Irishes as fought the field. He had promised to them the plundering of the town for their good service. Always the lieutenant (Montrose)

stayed not, but returned back from Aberdeen to the camp this same Friday at night, leaving the Irishes killing, robbing, and plundering of this town at their pleasure, and nothing heard but pitiful howling, crying, weeping, mourning, through all the streets. Thus these Irishes continued Friday, Saturday, Sunday, Monday. Some women, they preissit (*delayed not*) to deflour, and other some they took perforce to serve them in the camp. It is lamentable to hear how these Irishes who had gotten the spoil of the town did abuse the same. The men that they killed they would not suffer to be buried, but tirit (*stripped*) them of their clothes, syne (*then*) left their naked bodies lying above the ground. The wife durst not cry nor weep at her husband's slaughter before her eyes, nor the mother for the son, nor daughter for the father; which if they were heard, then were they presently slain also. As these savage Irishes are at their work, the lieutenant gave orders to the body of the army, upon Saturday, the 14th of September, to march (except such Irishes as was plundering the town and killing our men, which went not with them) forwards to Kintour, Inverurie, and Garesch. Upon which Saturday the marquis of Montrose comes into the town, accompanied with James earl of Airlie, the lord Spynie, lord Duplin, sir John Drummond, son to the earl of Perth, sir Thomas Ogilvy, son to the said earl of Airlie, the laird of Fentray (Grahame), the laird of Innerquhairty, the laird of Ogill (Ramsay), sir Thomas Tyrie of Drumkilbo, and divers others. He lodged in skipper Anderson's house, the army being removed, except such as bode behind plundering the town, as said is." Having set the prisoners at liberty from the jail, some of whom were confined for participating in Huntley's insurrection, and nearly all joined the royalist army, Montrose caused the king's letters-patent to be read publicly at the cross, appointing prince Rupert general of all his forces in Scotland, the marquis of Montrose his lieutenant-general, and sir Alaster Macdonald the captain of his Irish forces in the Scottish service. In another proclamation, Montrose in his own name as lieutenant of Scotland, commanded all the king's lieges to come in and swear and subscribe the oath of allegiance to his majesty, under pain of fire and sword. "These things done, the lieutenant stays Saturday all night in skipper Anderson's house, the

cruel Irishes still killing and robbing all this while that he is at this business. Sunday all day he stays; but neither preaching nor praying was in any of the Aberdeens, because the ministers through guiltiness of their consciences had fled. The lieutenant was clad in cot and trewis (*coat and trowsers*) as the Irishes was clad. Ilk one (*each*) had in his cap or bonnet a rip (*bunch*) of oats, which was his sign. Our townspeople began to wear the like in their bonnets, and to knit to the knocks of our gates the like rip of oats; but it was little safeguard to us, albeit we used the same for a protection. Upon Monday, the 16th of September, these soldiers who had bidden behind rifling and spoiling both Aberdeens, were now charged by beat of drum to remove and follow the camp under the pain of death. And thereafter himself began to march that same day towards the camp lying about Kintour, Inverurie, Leslie, Liklihead, and other parts about, wasting and destroying the country. And albeit Montrose marched thus away, yet the lord Spynie bode quietly behind in the town, who was thereafter taken; and many renegade Irishes bode behind rifling and spoiling both old town and new town pitifully. And none durst bury the dead; yea, and 'I saw two corpses carried to the burial through the old town with women only, and not a man amongst them (so that the naked corpses lay unburied so long as these limmers were ungone to the camp, albeit the lieutenant himself upon the same Monday before he went out of the town, gave orders to both Aberdeens to bury their dead), which they did with fear of their lives.' The authorised royalist narrator of Montrose's exploits, calls the atrocities committed under Montrose's eye in Aberdeen, "allowing his weary soldiers two days' rest."

Montrose's rather hasty march northward had been caused by the intelligence of the rapid approach of the army of the covenanters under the marquis of Argyle, who entered Aberdeen two days after he left it. Montrose was disappointed in his expectation of a rising of the Gordons, few of whom joined him, perhaps because their chief, the marquis of Huntley, was absent. He found it necessary, therefore, to draw off his forces into the mountains and fastnesses which were not practicable for horse, in which Argyle's strength consisted. He hid his ordnance in a bog, abandoned his heavy carriages, and made a rapid march

towards the highlands; but when he came to the Spey, he found all the boats removed to the other side of the river, where the forces of Murray, Ross, Sutherland, and Caithness, to the number of four or five thousand men, were prepared to encounter him. In this emergency, with Argyle's army close at his heels, he was obliged to betake himself to the woods and mountains, which the tardiness of Argyle's motions enabled him to do without much loss, and he contrived to reach the wilds of Badenoch. His force was now much diminished by the departure of the highlanders, who according to their old custom returned home to secure their plunder; and he was himself suffering from illness, the consequence of the fatigues he had lately undergone. After his recovery, he proceeded into Athol, to recruit his numbers, sending Macdonald with his Irishmen into the highlands, to recall the highlanders to his standard by persuasion or force. He next entered Angus, and ravaged in the same merciless manner the estates of lord Cupar, and burnt the place of Dun, where the people of Montrose and the surrounding country had deposited their valuables. Here he obtained what he much wanted, a supply of arms and artillery; and the number of his men being by this time considerably increased, he suddenly returned to the country of the Gordons, spreading horrible devastation in his way. Again disappointed in his expectations of receiving any accession from the Gordons, Montrose, about the end of October, took Fyvie castle, in Aberdeenshire.

Throughout these proceedings, Argyle had shown that he possessed few of the qualities of a skilful and successful general. Having proclaimed Montrose a traitor, and offered a reward of twenty thousand pounds for his head, he followed him to the highlands, but so slowly that he was never able to overtake him or bring him to an engagement. After making a circuit through Strathspey, Badenoch, Athol, Angus, and the Mearns, from Aberdeen to Inverness, he returned to the place from which he had started. But at Fyvie, Montrose, who possessed not many more of the real qualities of a good general than the marquis of Argyle, was nearly surprised through his own carelessness. On the 28th of October, while Montrose was lying incautiously with his army in the woods of Fyvie, Argyle suddenly approached with a formidable

army within two miles of him, and had prepared for attacking him before Montrose knew that he was so near. The latter in haste distributed his men on the heights and among the ditches and fences, where the assailants were exposed to great disadvantage; and after having remained in this position two or three days, and sustained two partial attacks, he contrived under favour of the night to draw off his men and effect his retreat to Strathbogie. As Argyle pursued him to the latter place, Montrose resolved again to take advantage of the night to make a forced march to Badenoch, partly because he found that the vicinity of the enemy was now dangerous to the fidelity of his soldiers, many of whom had been forced into his service, while others were discouraged by his continual retreating, and glad to find an opportunity of abandoning his standard. He had sent his carriages before under a guard, and had given orders for the march to Badenoch, when he was informed that Sibbald, the man in whom he had put so much trust, and who had accompanied his secret expedition from England, with several gentlemen and others, had deserted and gone over to the army of the covenanters. Alarmed at this intelligence, and fearful that the plan of his retreat would be made known to Argyle, and that he should be attacked on his way, Montrose recalled the carriages, and acted as though he had entirely changed his plans. After, however, he had remained four days in the same position, watched by his enemies, he again took advantage of the night, and, having made fires as usual through his camp, and left his few horse within view of the enemy as an advanced guard, he marched away his foot silently until they were beyond reach of immediate danger, and then drawing off his horse also, reached Balvenie, in Banffshire, with his whole army before day-break. The depth of winter was now approaching, to make these wild regions still more dreary, and Montrose had little to fear from the enemy. But the severity of the season had its effect on his own army also, and many of those on whom he placed great dependence, especially the noblemen and gentlemen who had ranged themselves under his standard, began to leave him under various pretences, some alleging sickness, and others declaring their inability to make such long marches in winter, over uninhabited mountains, scarcely ever trodden by the feet of man, and covered everywhere with stones

and briers. Argyle had given up all further pursuit, and had sent his horse to winter quarters. He lay with the foot at Dunkeld, where he narrowly escaped being surprised by Montrose, who, hearing that he was there with a small force and off his guard, made a march of twenty-four miles during the night in the hope of falling upon him unawares. But Argyle received timely intelligence of his approach, and breaking up his camp, he removed to Perth, where there was now a strong garrison. After these events, Argyle, who complained of the neglect shown to his army by the government, returned to Edinburgh, and resigned his commission.

During the important events we have been relating, a meeting of parliament, or rather of the estates, and a general assembly of the kirk had been held in Scotland, but their acts were of no great importance. Both were convoked without the king's authority, and he therefore sent a commissioner to neither. The latter received the report of their commissioners in the assembly of divines at Westminster, agreed on various hostile demonstrations against the royalists, confirmed the censures of Huntley and Montrose and their adherents, and decreed the greater excommunication against those who were in arms. The parliament, which met in accordance with the triennial act, on the 4th of June, elected the earl of Lauderdale as its president. They ratified the acts of the previous convention of estates, as well as the solemn league and covenant and the treaty with England, and confirmed the act for levying money by an excise. They appointed a commission, consisting of the chancellor Loudon, the earl of Argyle, the lords Balmerino, Wariston, and Cambuskenneth, sir John Smith, provost of Edinburgh, Hugh Kennedy, provost of Ayr, Robert Barclay of Irvine, and lord Maitland, to act with the English parliament in negotiating with the king. They protested against the imprisonment of the duke of Hamilton as a breach of law, whatever offences were laid to his charge having been committed in Scotland. They passed acts of attainder against several of the chiefs who had risen with Huntley. They then prorogued themselves to the first Tuesday of January, 1645. In England, towards the end of the year, the king's prospects appeared to brighten, and, rendered overbearing by the slightest breath of prosperity, Charles appears never to have entered with

any sincerity into the negotiations at Uxbridge, which occupied the attention of the public in the earlier part of the year 1645. He was elated beyond measure at the exaggerated reports of Montrose's exploits which were sent to court, and he seemed to think himself already undisputed master of the three kingdoms.

Even in winter, Montrose could not remain idle, for the sort of troops he had under his banner could only be kept together by constant activity and the immediate prospect of plunder. From Strathbogie he had marched to Badenoch, and thence into Athol, where he was rejoined by Macdonald, with the Irish and as many of the highlanders as he had been able to collect. Actuated by the meanest feelings of personal jealousy and revenge, Montrose now determined to let loose his savage bands on the estates of the marquis of Argyle and his kinsmen, and proceeding by rapid marches through difficult defiles, suddenly fell upon the lands of the laird of Glenorchy, one of Argyle's near kinsmen, carrying massacre and fire through the whole district. The horrors of this atrocious warfare soon spread over the whole district of Argyle. "Here he goes," says Spalding, "burns and slays through his whole countries, and left no house nor hold (except impregnable strengths) unburnt, their corn, goods, and gear; and left not a four-footed beast in his whole lands, and such as would not call (*that they could not lead away*) they houghed and slew, that they should never make stead (*be of any use.*)" Montrose remained in Argyle's countries wasting, burning, and destroying all" until the end of January. Argyle who had returned from Edinburgh to prepare for the defence of his own estates, appears to have been taken by surprise. We are told that he was living securely in his castle of Inverary, supposing no enemy to be within a hundred miles of him, and, as the march into Argyle would have been a difficult one even in summer, he never expected that it would have been attempted in the depth of winter, till the trembling cow-herds came hurrying from the hills with the news that the enemy was within a distance of two miles. As Argyle was totally unprepared for resistance, he made his escape in a fisherman's boat, while Montrose "dividing his army into three brigades, ranged over the whole country and laid it waste; as many as they find in arms going to the rendezvous they slay, and

spared no man fit for war, and so destroyed or drove out of the country or into holes unknown all the service, and fired the villages and cottages, and drove away and destroyed all their cattle." Such is the account given in a royalist report of these events, the writer of which everywhere speaks as lightly as possible of the cruelties perpetrated by Montrose and his followers.

From Argyle, Montrose continued his devastating course through Lorn and Glencoe to the confines of Lochaber, but on his way he received intelligence that the marquis of Argyle, incensed at the havoc he had committed on his estates, had raised a force of about three thousand men, with whom he had advanced to near the castle of Inverlochy, with the intention, as he supposed, of joining the garrison of Inverness, and raising the counties of Murray and Ross. This he determined to prevent by surprising Argyle before he received any reinforcements, and for this purpose, leaving the common road, on which however he placed guards to hinder Argyle from receiving any intelligence, he marched by almost unknown paths, now made less accessible by the snow, over the mountains of Lochaber, and appeared quite unexpectedly within half-a-mile of Argyle's army. Argyle's advanced guards fell back in the utmost astonishment, but the fatigue of the march was too great to allow Montrose to lead on his men immediately to the attack. Argyle had thus time to recover from his surprise and draw up his army in array, and both parties remained under arms during a long moonlight night, with frequent skirmishing. Montrose placed in his centre the highlanders, who were flushed with their recent successes and eager for more plunder, and his wings and reserve were composed of the Irish. Argyle's army was composed chiefly of men newly raised and without sufficient discipline; and Argyle himself, who had already on more than one occasion shown his incapacity in military affairs, instead of encouraging them on the present occasion by his own example, withdrew on board a vessel in the loch, leaving a cousin of his name to perform the duties of a leader. At daybreak on the 2nd of February, Montrose gave the signal to attack, which was done with so much impetuosity, that after a single discharge of musketry, the lowlanders of Argyle's army first, and then the highlanders, took to headlong flight. Some, who followed the shores of the loch, were

overtaken and destroyed, but the rest, flying to the mountains, were more fortunate. Of Argyle's army there were slain, chiefly in the pursuit, about fifteen hundred men, among whom were many of the chiefs of the clan Campbell. Montrose's own loss appears to have been trifling, but he had to lament the death of a friend to whom he is said to have been much attached, sir Thomas Ogilvy, a son of the earl of Airlie.

Montrose was now left to pursue his course of outrage and slaughter without opposition. He returned through Lochaber to Inverness, and finding that town strongly garrisoned, he "marched *peaceably* (?) by Inverness down through the country of Moray, charging all manner of men betwixt sixty and sixteen to rise and serve the king and him his majesty's lieutenant, under the pain of fire and sword, against his highness's rebel subjects; and to that effect to meet him in their best arms on horse and foot immediately after the charge. This bred great fear, and sundry of the Moray men came in to him. Such as stood out he plundered, spoiled, and burnt their houses and lands following, viz., the laird of Balnadallach's three houses, Petchass, Foyness, and Balnadallach; houses, biggings, and corn-yards of his whole ground; and his whole lands plundered of horse, nolt, sheep, and other goods. The place of Grangehill pertaining to Moinian Dunbar, the place of Broddie pertaining to the laird of Broddie, the place of Cowbin pertaining to Kinnaird, the place of Innes pertaining to the laird of Innes, and Reidhall, all burnt and plundered. The lands of Burgie, Lethain, Duffus, plundered, but not burnt. Garmochie plundered, but not fired. Their salmon cobbles and nets cut and hewed down, whereby the water of Spey could not be well fished. Thus as Montrose marched he sent out parties through the country with fire and plundering." The fear was great in Elgin when he approached that town, and the committee of the covenanters which was sitting there dispersed, and fled in different directions. "The laird of Innes and sundry with him go to Spynie, where his eldest son was dwelling. The townspeople of Elgin and country about, seeing the laird of Innes fly to Spynie, fled also with their wives, bairns, and best goods which they could get carried, here and there, but chiefly to Spynie, and few bode within the town through plain fear; which incensed the soldiers worse against the town

than if they had bidden and kept their houses." Some of the Gordons and the Grants joined Montrose on his way to Elgin; and at Elgin, on the day he entered the town (the 19th of February), the lord Gordon, who had hitherto supported the cause of the covenanters, suddenly deserted to him. No more melancholy picture of the state of these northern districts can be given than that furnished by the royalist chronicler, Spalding. "Montrose camping at Elgin," he tells us, "received, to save the town unburnt, four thousand marks; but his soldiers, especially the laird of Grant's soldiers, plundered the town pitifully, and left nothing tursable (*portable*) uncarried away, and brake down beds, boards, insight, and plenishing. Montrose leaves them at this plundering, and marches from Elgin upon the 4th of March towards the Bog of Geicht, with the body of his army, having in his company the earl of Seaforth, the lord Gordon, the laird of Grant, the laird of Pluscardine, the laird of Loislín, and some others who had come in to him; and sends before him over the Spey the Farquharsons of Braemar, to plunder the town of Cullen pertaining to the earl of Findlater, which they did pitifully, for these Farquharsons had come in to him as before. Montrose being over Spey, he considers that the two regiments lying in Inverness and rebels in the country, might now in his absence break out and wrong his friends that are in his company; therefore he takes the earl of Seaforth, the laird of Grant, and others formerly said, their solemn oaths to serve the king against his rebel subjects, and never to draw arms against his majesty and his royal subjects; and therefore sent them over Spey again to look to their own estates, upon their parole to come with all their forces upon advertisement to assist Montrose in the king's service; and so parted from each other. But the earl of Seaforth got more credit than he was worthy of, for he perjured himself and turned a mortal enemy to the king and a traitor. Now, as Montrose foresaw the trouble of the country, so it fell out, for there came parties from the regiment lying in Inverness to the place of Elchas, wherein the laird of Grant was then dwelling, and pitifully plundered the same, and left not the lady's apparel, jewels, and goldsmith work untaken up, whereof she had store. Thereafter they plundered the lands of Cokstoun, because the good man followed the lord Gordon.

They came into Elgin, and took the laird of Pluscardine and his brother Loislin out of that strong house pertaining to Pluscardine, had them to Inverness, and kept them (*i.e. put them in prison*), as they who had come in to Montrose; but this was thought to be done with Seaforth's consent. Always he seems to be sorry at the taking of his brethren, comes to Inverness, and labours so that he gat them both set to liberty. This was said to be plain policy used by Seaforth, for he repented himself of his ingoing to Montrose, and writ to the estates to the earl Marshall, and committee at Aberdeen, that he yielded on through fear, and that he avowed to bide by the good cause to his death; which was accepted, and partly he performed."

The career of Montrose and his followers was signalised by no feelings of gallantry, and the noble lady of the earl of Findlater could only purchase his temporary forbearance with money. "Montrose marches from the Bog to the place of Cullen of Boyne, the earl of Findlater himself having fled south before to Edinburgh, leaving in these dangerous days, pitiful to behold, his lady behind him. This stately house, well decorate with brave insight and plenishing, and furnished with silver plate, and all other necessities, was pitifully plundered, and nothing tursable (*portable*) left. And then he was beginning to raise fire; but the lady pitifully besought Montrose, now in her husband's absence, to forbear fire of her ground but for the space of fifteen days, within which time if her husband came not to give all satisfaction, that then his lordship should do as pleased him best. And for this peace of fifteen days' time she promised twenty thousand marks, whereof she paid in hand five thousand marks. Montrose granted her desire upon the conditions aforesaid, and raised no fire on the earl of Findlater's ground (albeit a great covenant) at this time. From Findlater he marches to the Boyne, plunders this country, and burns the bigging (*buildings*) pitifully, and spoiled the minister's goods, gear, and books. The laird himself kept the Craig of Boyne, wherein he was safe; but his whole lands for the most part were thus burnt up and destroyed. Thereafter he marches to Banff, plunders the same pitifully; no merchandise, goods, nor gear left. They saw no man on the street but was stript naked to the skin. Some two or three worthless houses were burnt. No blood shed. And so they left Banff. From

that town he marched to Turreff, where, according to the council of Aberdeen's ordinance, there came to Montrose Mr. Thomas Gray, George Morison, George Cullen, and Mr. John Alexander, advocate, four discreet well-set burgesses, their commissioners, who with great humility pitifully declared to his honour the manifold miseries daily befalling the town of Aberdeen, coming from one side and from another, and no burgh within Scotland so heavily distressed as that town from time to time since the beginning of these troubles, as was well known unto himself; and now fearing that he and his army was coming to Aberdeen, declared the whole people, man and woman, through plain fear of the Irishes, was flying away, if his honour gave them not assurance of safety and protection; who mildly heard these commissioners, and said he was sorry at Aberdeen's calamities; always forbade them to be feared, for his foot-army, wherein the Irishes were, should not come near Aberdeen by eight miles, and if himself came, he craved nothing but entertainment upon his own charges, further wrong he intended not to do to the burgh of Aberdeen; which truly and nobly he kept. The commissioners were glad of this unexpected good answer. They gave many thanks, and humbly taking their leave from Montrose, came back from Turreff; and upon the 10th of March came to Aberdeen, where they declared the good answer which they had gotten, to the great joy of magistrates and commons, man, wife, and child within the burgh. Sunday, the 9th of March, no sermon in either of the Aberdeens, through the absence of our ministry fled for fear; yet Dr. Goold preached in the college kirk, but durst not come to the high kirk. Upon the same Sunday, major Nathaniel Gordon leaves Montrose at Turreff, and came to Aberdeen with some few troopers; and on the morn there came in to him a hundred Irish dragoons. The keys of kirks, ports, and tolbooth are delivered to him. He sets such prisoners as were there to liberty, amongst whom there was one called Thomas Meldrum, warded for following Montrose. He took the spare arms lying at Torry, left there by the Lothian regiment under the keeping of umquhile captain Keith, Marshall's brother's troops. They took eighteen hundred muskets, pikes, and other arms. There were some hurt, some slain, and some of this troop taken prisoners and warded in the tolbooth of Aberdeen. The arms were laid there also. And

lieutenant Scott, one of the said Lothian regiment, lying lurking beyond the rest, was also taken; major Gordon received orders to watch the town, and set out scout watches nightly as far off as Cowie, to see if any army was coming from the south. There was some skirmishing at the Brig of Dee, where Keith's troop was routed; and finding the fields fair, he returns back to Montrose, who had removed from Turreff towards Frendracht. The young viscount was in the place, which he kept (*defended*), but the laird, his father, was in Muchalls with the lord Fraser his godson, all prime covenanters. He plundered threescore ploughs of Frendracht's lands, lying within the parishes of Forge, Drumblait, and Inverkeithing, and the minister's house of Forge, which, with the rest of the whole houses, biggings, barns, byres (*sheds*), corn-yards, insight and plenishing, was burnt up in the air; and the whole oxen, horse, nolt, sheep, kie, and other bestial, pitifully plundered and carried away, leaving this ground desolate. Montrose writ from Pennyburn a letter to Aberdeen of the 10th of March, commanding them to cause their drum go through the town, charging all manner of men within the shire between sixty and sixteen to meet him in their best arms and on their best horse upon the 15th of March, at his camp at Inverurie, under the pain of fire and sword. Drums went, the charger sped through the shire, and many met him on horse and foot for obedience thereof. From Frendracht he marched to Kintore, Kintail, and Inverury, and came to Kintore upon the 12th of March. His army was quartered about the bounds aforesaid, himself lodged in Mr. John Cheyne's house, minister of Kintore. He gave out orders that each parish within the presbytery of Aberdeen (except Aberdeen) should send to him two commissioners, with a perfect roll of all the fewers (*those who held by feudal tenure*), heritours and life-renters of each parish, whereby they might furnish to his service horse and men according to their estates; which was done, and men daily coming in to him for fear of fire and sword, who otherwise would have stood out."

While thus occupied in laying waste the shire of Aberdeen, a party of Montrose's troops experienced a disaster which, though not of great moment, shows us the want of caution which was so characteristic of this chief and his followers, and which at last proved their ruin. Donald Farquharson, a highland chief much esteemed by Montrose,

went to Aberdeen with about eighty troopers of his best horse, and they lay there drinking and making merry, and so negligently, that they had neither closed the gates nor set watchmen upon then. Information of this state of things was immediately carried to the covenanters' commander, general Hurry, who lay with the lord Balcarras's regiment and other troops at the North Water Brig. Hurry took a party of horse and some musketeers, and marching suddenly to Aberdeen, set watches at the gates that none might escape, and then entered the town. "The other party dispersed through the town drinking carelessly in their lodgings, and hearing the horse feet and great noise, was astonished, never dreaming of their enemy. Always this Donald Farquharson happened to come to the calsey (*street*), where he was cruelly slain anent the court-de-guard, a brave gentleman, and one of the noblest captains amongst all the highlanders of Scotland. Two or three others were killed; and some prisoners taken, and cast in the irons within the tollbooth. Great lamentation was made for this gallant, being still the king's man for life and death. Hurry thereafter goes to the court-de-guard, and takes out the whole troopers' horses standing there, and likewise out of the stables, convoyed by the townspeople where they stood. Amongst the rest, the marquis of Huntley's best horse, whom the lord Gordon had lent to major Nathaniel Gordon, was taken by captain Robert Forbes, brother to sir William Forbes of Cragiwar. They gat gallant horses. The gentlemen could not mend it; but glad to escape with their lives, some one gate, some another. Hurry tarried not longer in the town than he could get their horses, but returns back again the gate he came; and by the way takes out of the burgh of Montrose the marquis of Montrose's second son (now lord Grahame, by reason of his elder brother's decease), a young bairn about fourteen years, learning at the schools, attended by his pedagogue in quiet manner. Always he is taken, and had to Edinburgh, where he with his pedagogue is both warded in the castle of Edinburgh. Hurry having done this exploit in Aberdeen, the gentlemen were sorry and could not amend it. They returned back to Montrose, part on horse, and part on foot, ashamed of this accident. Montrose was highly offended for the loss of Donald Farquharson, more than all the rest, through too great carelessness."

Montrose's vengeance seems to have been excited by this accident, and he recommenced his ravages with an increase of fury. The surprise of Donald Farquharson took place on the 15th of March, and on Sunday the 17th, the marquis again put his forces in movement, and marched from Kintore into the lord Fraser's lands at Durris. "He spared by the way the lairds of Monymusk and Ley's lands unplundered upon some privy conditions, and came to Durris, where major Macdonald meets him. They burnt up the place, low biggings, and all the corn, and spoiled the whole ground of horse, nolt, sheep, and other goods. This done upon Sunday, the 17th of March. And a party the same Sunday was directed out upon such lands of Fintray as pertained to the laird of Cragiwar to plunder, burn, and destroy the same, houses, biggings, corns, and all. Mr. Andrew Abercromby, minister at Fintray, his house and corns burnt up, and goods plundered, being a main covenant. Some thought Cragiwar deserved this injury, who, being credibly taken prisoner and well respected both of the country and Montrose, would take his liberty after such dishonourable manner (*i.e.*, make his escape), whereas if he had stayed, his licence might have been purchased by a fair way; at least he would not have suffered such skaith if he had bidden (*remained*) captive. Montrose marches from Durris to Stonehaven, and came there upon Tuesday, 19th of March. . . . Montrose quarters himself on James Clerk, the provost's house of Stonehaven; the lord Gordon and others beside his army quartered in Cowie and about the country. Upon Wednesday, the 20th of March, he writes a letter to the earl Marshall being in Dunnottar, where there was about sixteen ministers who had fled their own houses and there taken refuge. Amongst whom was Mr. Andrew Cant, and his wife also; Mr. John Rew, minister at Aberdeen, and Mr. William Douglas, professor there. George Keith, the earl's brother, was also come there lately from France, and divers others. But this letter was received and read; albeit the bearer stood at the gate, but gat no answer (whereat Montrose was highly offended), done chiefly by persuation of his own lady and of the ministry, specially by Mr. Andrew Cant. It is said the lord Gordon writ a letter to the foresaid George Keith (who came to Stonehaven and conferred with him and Montrose also), whose desire was that

the earl should serve the king, and concur with him against his rebellious subjects, as he that was bound thereto both from his place and honours (this was the sum, as was said, of all); otherways to be upon his own hazard. But this noble earl, counselled by Mr. Andrew Cant and the rest of the brethren, refused this service alluterlie (*entirely*), saying, he would not be against the country. Whereupon Montrose, on 21st of March, began and burnt up all the barn-yards of Dunnottar, houses, corns, and all, which the earl, his lady, and the rest within the place saw; syne (*then*) fires the tollbooth of Stonehaven (wherein there was store of beer and corns), and whole town also, being the king's royal burgh, with the whole corn-yards, houses, and biggings, except the said James Clerk's bigging, wherein Montrose himself was quartered. They plundered a ship lying in the harbour, then set her on fire, with the fisher-boats lying there. They burnt up the whole town of Cowie, houses, biggings, corns, and corn-yards, and such like; plundered the whole goods, gear, horses, nolt, sheep, which they could get. They plundered the parson of Dunnottar's house, then set the same on fire. It is said the people of Stonehaven came out, man and woman, children at their foot, and children in their arms, crying, howling, and weeping, praying the earl for God's cause to save them from this fire, howsone (*as soon as*) it was kindled. But the poor people gat no answer, nor knew they where to go with their children. (Lamentable to see! Fetteresso also was fired, and a quarter thereof burnt; but the whole low biggings and corn-yards utterly destroyed and burnt up. They fired the pleasant park of Fetteresso. Some trees burnt, others being green could not well burn. But the hart, the hind, the deer, the roe skirlit (*screamed*) at the sight of this fire; but they were all taken and slain. The horse, mares, oxen, and kine were all likewise killed; and the whole barony of Dunnottar and Fetteresso utterly spoiled, plundered, and undone. After this he marches to Drumlaithie, and Urie, pertaining to John Forbes of Leslie, a great covenant. He fires the place, burns all to the vaults, and all the low bigging, corns, and barn-yards; and plunders the whole ground. He sends to his own good brother the viscount of Arbuthnot; but, as it is said, by his order, there was burnt and plundered to him about twenty-four ploughs of land." In this way

hence to Fettercarne, Montrose's men had some skirmishes with those of general Hurry, but the latter not feeling sufficiently strong to give him battle, fell back upon general Baillie's army, which was near at hand. "Montrose stayed at Fettercarne Friday, Saturday, Sunday, and marches therefrom upon Monday, the 25th of March to Brechin with his foot army, and directs his troopers to the town of Montrose, with charge to take their entertainment, but no more. They took the same, and wine enough, but did no more harm to the town. The townspeople of Brechin hid their goods in the castle thereof and kirk-steeples, and fled themselves; which flight enraged the soldiers. They found their goods, plundered the castle and whole town, and burnt about sixty houses. From Brechin he marches with his troopers in one body through Angus, where he raise some fire also; lieutenant-general major Baillie being in the fields near by, having four foot regiments, and two regiments of horse, to whom also came the lord of Loudon, high chancellor, his regiment, with the earl of Lothian's regiment also, both foot regiments, besides other great forces coming, as fifteen hundred red-coats out of Ireland, and some other regiments; yet was but six hundred red-coats. Montrose is informed of lieutenant-major Baillie's forces and mighty preparation; yet could not dismay him, but from Brechin through Angus he marches in his sight and his forces' without stroke of sword or push of pike; he having then in service four foot regiments and the lord of Balcarras and sir James Hacket's two horse regiments, whereas Montrose was not so many in his service, not passing three thousand foot, horse, and dragoons. Baillie comes from Perth to meet with Montrose at or about Brechin. Montrose marches in his sight, as said is, to the water of Tay. He keeps the one side, and Baillie follows and keeps the other side of this river, within musket-shot to each other. There was skirmishing betwixt their scout-watches daily, but none offering battle to others (*i.e., neither of them offering the other battle.*) Whereat many marvelled; the country also held under continual fear, not knowing whom to follow, and gladly would have had it discussed by battle betwixt them. But however it was, Baillie durst not go on but according to order, who had some noblemen in his council of war still with him, such as the earl of Crawford (sometimes called lord

Lindsay), the earl of Cassillis, the lord of Balmerino, the lord Kirkcudbright, and some others, without whose advice he could do nothing. . . . Ye have Montrose's march, and lieutenant-major Baillie's continual following of him, and how the country was kept in daily fear both of the one army and of the other. As they are dallying thus ways in each other's sight about four or five days time, Montrose marches to Kirriemure and the hills, and Baillie to Perth. In the meantime the lord Gordon and the general-major Macdonald gets order to go storm Dundee, who, upon Friday, the 4th of April, came there with about two hundred horse and eight hundred foot, whereof the most part was Irishes, and Montrose followed with the whole army that same day, and encamped at Dundee's Law, hard beside."

Dundee had always been remarkable for its attachment to the covenant, and appears to have been marked out as an especial object of vengeance. The townsmen, expecting assistance, flew to arms to defend themselves; but the Irish and Highlanders rushed on with such fury, that they drove them from their stations, and turned their own guns upon the town. At the same time the barricades were forced, and the gates burst open, and the savage assailants having thus forced a way into the town, set it on fire in several places, and began to plunder. But Montrose was betrayed into a defeat from his incautious neglect of obtaining good information. He was standing on a hill which overlooked Dundee, quietly contemplating the havoc made by his troops in the town, and imagining that the troops of the covenanters were far distant, when the unexpected information was brought him, that Baillie and Hurry having joined their troops, were hastily advancing upon him with a superior force, and that they were not more than a mile distant. To add to his perilous situation, when he gave instant orders for recalling his troops from the town, they were found to be so intent upon plunder, or drunk with the ardent liquors they had found, as to be incapable of obeying orders, and they would have been nearly all cut to pieces, had not the disagreement between the two leaders of the covenanters caused delay on their part. Hurry, who commanded the horse, would neither charge the royalists in front, nor obey Baillie's orders, to join him in attacking them in flank, and while they were thus

disputing, Montrose managed to get together his army, in order to march. He sent off the main body, having selected two hundred of the freshest of the foot to cover their retreat, while he brought up the rear with all the horse. By the time he had done this, however, the covenanters were within musket-shot, and he lost many of his men as well in the retreat as in the attack upon the town, and his loss no doubt would have been greater, but for the near approach of night. To evade their pursuers, the fugitives during the night took a south-westerly course, but at day-break they made a sudden turn towards the north, and passing the South Esk, near Careston-castle, they succeeded, after a circuitous march of nearly twenty miles, in reaching the mountains in safety, and Montrose allowed his wearied troops to repose in Glenesk.

During these events, the Scottish parliament and general assembly had met again, in the month of January, to provide against the distresses of the country; but the time of the former was occupied at first more with the private animosities of the parliamentary leaders than with the interests of the country. Under these circumstances, the general assembly drew up an address, or free admonition, to the parliament, representing to them the unhappy state of the country, and urging them to lay aside their private dissensions, and unite cordially in bringing to justice the men who were now deluging their soil with blood, and in driving out or extirpating the barbarians who were ravaging their homesteads. They represented to them that the facility with which convicted traitors were suffered to escape, and their own indecision, was not only saddening the hearts of their friends and emboldening their enemies, but that it encouraged the natural unwillingness of the people to bear the burthens which the good of the kingdom required them to undergo. At the same time the assembly addressed a solemn warning to the noblemen, barons, gentlemen, boroughs, ministers, and commons of Scotland, and to the armies within and without the kingdom, which was ordered to be read in all the pulpits throughout the kingdom. This warning began with a picture of the sufferings of the kingdom, which were ascribed to the sins of the people. These sins were, the selfishness and want of public spirit among the nobility, gentry, and barons, who studied their own private interest more than that of the commonwealth;

the time-serving spirit too prevalent among many of them; the neglect of the gospel; the lukewarmness of others in not bringing to justice those who had led on others to shed the blood of their brethren, and in neglecting so long to promote a real personal reformation in themselves and in those under their charge. They told people in general that the kingdom had reached a crisis at which there was no longer room for half measures or dallying with the enemy, but that every man, who was not totally regardless of his religion, law, liberty, or country, and who was not dead to all natural affection for wives, children, or friends, must act now or never, and exert themselves to the uttermost. The armies were exhorted to live soberly and righteously, and avoid all intemperance and scandalous conduct, reminding them that they must put their chief trust in God rather than in their own strength. They further told the people that they could not overcome their enemies without a sufficient army, which army must have maintenance, and although the public burthens which these things occasioned could not but be grievous to them all, yet they were exhorted to bear them with patience, and not repine against them, seeing that it was necessary they should give some portion of their goods to secure their religion and liberties in future. Last of all, the assembly addressed a strong remonstrance to the king, telling him that the affections of his people were alienated from him by the horrible cruelties committed upon them by Irish and others under his own commission and warrant, by his shutting his ears to their humble and just desires, by his toleration of popery, and by a variety of public acts which they rehearsed. They exhorted him to repentance, and to be more willing to listen to their complaints, telling him that in this manner he would find favour with God and with his people; but if he refused to hearken to their wholesome counsel, they called God to witness that they had discharged their own consciences, and that they were blameless of the sad consequences that might follow.

The difficulties in enforcing the regular payment of the excise, obliged the parliament to adopt various expedients for raising money, and among others they offered for sale the forfeited lands of Montrose, Huntley, Carnwath, and Traquair, and engaged the public faith to warrant the purchase and protect

the persons of the purchasers. They were obliged also to adopt coercive measures to raise forces for the war; and their efforts for this purpose were rendered effective chiefly through the exhortations of the ministers, which were still successful in raising up the spirits of the country. The assembly itself was again occupied with the grave subject of uniformity of religion. The directory for public worship, which had been drawn up by the divines at Westminster, and approved by the English parliament, was brought to the assembly by their commissioners. The independents had yielded much to the presbyterians, and the forms of worship as set out in the directory were simple, and left little room for dispute. Still, however, the presbyterians were not fully satisfied, though they approved generally of the proceedings at Westminster.

The attention of the parliament was called especially to the proceedings in the north. As the earls of Argyle and Lothian had thrown up their commissions, it was necessary to appoint a commander-in-chief to the irregular troops who were employed against Montrose, and for this purpose the parliament recalled from England lieutenant-general Baillie, an officer who had distinguished himself in the German wars of Gustavus Adolphus, and who, like Leslie, had returned to his native country at the beginning of the troubles to offer his sword to the popular party. This appointment gave umbrage to some of the nobility, especially to the marquis of Argyle, under whom he refused to act in a subordinate position, and the parliament was induced to appoint a committee to attend in his camp and advise and direct him, but which in reality had the effect of thwarting and hampering him in all his plans. The forces placed under his command were in a miserable condition, consisting of men who were scarcely disciplined sufficiently to fit them for regular warfare, and had not the daring which was required for a war of partisans. With these he was sent west to assist the earl of Argyle, when that nobleman's country was overrun by Montrose, but he was stopped at Roseneath by a message from Argyle, who pleaded the impossibility of supporting his army in a wasted country, and requested him to send only a part (eleven hundred men) of his foot. This body of men was present in the disaster of Inverlochy, where they were almost destroyed. The parliament had

appointed as Baillie's major-general, Hurry, a brave soldier, but a man without principle, unpossessed of the talents which create a successful commander, and yet unwilling to act cordially in the character of a subaltern. Baillie was hindered by the hesitation of the parliamentary committee from attacking Montrose's army on its march towards Dundee, and as we have seen, Montrose escaped from that town chiefly through the disobedience of Hurry. After this latter event, the committee decided that the army under Baillie should separate, and that, while he marched himself with one division to invade Athol, destroy Montrose's resources there, and prevent his advance southward, Hurry with the other division should proceed to the north, place himself in communication with the covenanters there, and keep in check the Gordons and their friends. On the 11th of April, when Hurry would have commenced his march from Aberdeen, one of the regiments mutinied, because they had not, like the other regiments received their new clothing and pay, and refused to leave their quarters, until the arrival of a ship from Leith on the 17th enabled him to comply with their demands, but he was thus detained in Aberdeen from the 11th of April to the 19th. On this latter day he marched with his whole army towards Kintore and Inverurie, plundering on their way the estates of some of Montrose's partisans.

Meanwhile Montrose was lying at Kiriemuir, whence he sent Macdonald through Cromar and Glentanner, while he himself moved southward to Dunkeld; Baillie lying all this time with the whole of his force at Perth. Macdonald was joined on his march by Forbes of Skollater, with two hundred men, and together they laid waste the lands of the lord Couper in Angus, burnt the town of Couper, and slew Mr. Patrick Lindsay, the minister, with others. They here surprised some troopers of lord Balcarras's regiment, some of whom they slew, and took all their arms and horses. After this exploit, they "took the hills." Montrose returned from Dunkeld towards the north, "and beyond Dee there came to him the lord Gordon out of Auchendoun, and Macdonald and his company. Siclike there came to him the lord of Aboyne, the master of Napier, the laird Delgattie, the laird of Kerr, younger, who, with the earl of Niddesdale and lord Herries, had broken out of Carlisle with about twenty-eight horse, through David Leslie's army desperately,

yet happily safe and sound. This Aboyne, Napier, Delgattie, and Kerr, came to Montrose beyond Dee, who were all joyful of each other. They began to march, cross the river Dee at the mill of Crathie, and haste the lord Aboyne to Aberdeen for powder, they so bide his return at Skeyne. He comes down Dee side upon Thursday, the 1st of May, with about eighty horse, came to Aberdeen, sets watches, goes to two ships lying in the harbour, plunders about twenty barrels or kinkenis of powder, staid no longer, but shortly passed to the camp lying at Skeyne the same night, who was very glad of the powder, being very scant thereof. He did no more skaith (*injury*.) Yet Mr. Andrew Cant, Mr. John Rew, and some covenanters, fled like foxes. These ships but new came home from Flanders. Mr. William Chalmer, minister at Skeyne, and Mr. William Davidson's house were plundered, and two men were killed by the Irishes; but no wrong was done to the lady Marshall's life-rent lands."

Meanwhile Hurry had marched into the lands of the Gordons. "Ye have heard," Spalding continues, "of Hurry's march to Strathbogie and the Engzie. He raised no fire, nor did any wrong to the stately palaces of Strathbogie and the Bog; but marched by them to the Engzie, and encamped about Over and Nether Bukies, where the earl of Findlater and lord of Crichton, the laird of Boyne, and some others, came to his assistance. The lord Gordon, at Hurry's coming, went to Auchendoun, where he staid till he went to Montrose, as ye have heard, because he had no order to give battle to Hurry, who all this time is plundering the pleasant country of the Engzie. He made up four hundred dragooners of the country horse, and made meat of the corns, victuals, nolt, sheep, and kine; and, as was said, he sent to Frendracht's tenants corns, cattle, and other goods, to help their losses. He was estimated at a thousand foot, two hundred troopers, and four hundred dragooners, by and attour (*besides*) such country help as came in to him. He encamped here from about the 20th of April, that he came to the Engzie, to Friday, the 2nd of May; and, hearing of Montrose's coming, upon Saturday, the 3rd of May, he marches over Spey, there to join with the Murray forces. Montrose, lying at Skeyne, upon Friday, the 2nd of May, by break of day, he marches in a full body to Strathbogie, upon the morrow to the Bog, and upon Monday,

the 5th of May, passed hastily after Hurry over Spey. He was estimated about four thousand men, horse and all."

In his accounts of these marches and counter-marches, Spalding, the bitter enemy of the covenanters, and the admirer of Montrose in spite of all his atrocities which he had witnessed, simply because Montrose perpetrated them under the name of king Charles, when he tells us how they spared the "stately palaces" of the Gordons, bears unintentionally his testimony to the comparative moderation of the covenanters, even under such a commander as Hurry, and with such provocation as had been given to them. But his strongly prejudiced feelings appear in all their injustice, the moment he attempts a comparison. Montrose is the licensed—in his idea the legal—murderer and burner; the man who, because he has the king's commission, has God's blessing for every atrocity he may commit; while the covenanters, who had no such authority, are accused for the slightest act of retaliation. "Upon Sunday, the 3rd of May," he goes on to tell us, "Bailie goes into Athol [Montrose's district], burns and destroys this pleasant country. This is not the first fire which the covenanters raised in Scotland, as I believe. And as the king had given *justly* commission to Montrose to raise fire and sword against his rebels, right so the country estates gave order to raise fire and sword upon the king's loyal subjects, as was done by the marquis (then earl) of Argyle. For first he raised fire at his own hand upon the earl of Airlie's lands, as ye have; then burnt the lands of Kerpach, pertaining to Macdonald; and siclike burnt the low bigging about the place of Kellie, as ye have; since demolished the fair passages of the house, with sundry others, *without warrant or authority* of our sovereign the king. The raising of this fire was thought good service by preachers and covenanters, done for reformation of religion and defence thereof, as most unjustly they alleged, since his majesty had granted all our desires both in kirk and policy, as is well seen in the act of parliament. But the king seeing their intentions were rather against royalty than for religion, and withall seeing the kingdom borne down with blood, murder, fire, and sword, plundering, robbery, and oppression, stents (*levies*) taxations, men, and money, done of set person against himself and his good subjects, he, for repressing of these abuses,

grants a commission to the marquis of Montrose to rise with fire and sword against his rebellious subjects, and to defend his true and loyal servants. But the preachers and covenanters railed and cried out against his majesty's lawful commission. Strange to see! Baillie having burnt up and destroyed this fair and fertile country of Athol, for the loyalty of the inhabitants to their dread sovereign, he went to the castle of Blair, an impregnable strength, wherein many of the prisoners taken at Inverlochy and whole wealth of Montrose's army was kept; but he could not get in this house. And, after the burning of the country, he plundered horse, nolt, sheep, and all goods thereof, for entertaining of his army; then marches through Athol in through the heads to Kirriemuir and Fetterearn, and upon Saturday, 10th of May, he comes and camps in the Birs, still plundering the country wherever he goes, eating the green growing corns, scarce come to the blade, with their horses. He was estimated above two thousand foot and six score troopers. Upon Sunday, the 11th of May, he marches to Cromer, and camps betwixt the kirks of Coull and Taran. He burnt the house of Terpersie, pertaining to Gordon; and still lay plundering and destroying of the country, abiding the coming of the lord of Balcarras with his horse regiment, and that the gentry of the land should rise and assist him."

While Baillie was thus retaliating Montrose's outrages upon Athol, the latter was pursuing Hurry, knowing him to be much inferior in force to himself, and desirous of engaging him before he received reinforcements or united with Baillie's division. A skirmish occurred between them on the 5th of May, with no result of importance to either side. Hurry directed his course westward. He had withdrawn from Inverness the greater portion of Laer's and Buchanan's regiments, and he was joined on his march by the earls of Sutherland, Seaforth, and Findlater, and other northern chiefs, with their followers, so that Spalding estimates his army altogether at four thousand foot and five hundred horse. He now returned towards Montrose, eager to signalise himself by a victory over the royalist commander before Baillie came up to share in the honour. Montrose had posted himself at the village of Auldearn, near Nairn, in a very advantageous position. He had placed Macdonald, with about four hundred men on an eminence to the right, which was

totally inaccessible to cavalry, and they were protected against an attack of infantry by a combination of banks, ditches, and underwood, while the trees so far concealed the men that it would be impossible to make even a guess at their numbers. With these he placed, in a prominent position, the royal standard, intending that it should serve as a decoy to the enemy, who he expected would waste their strength on it in a vain attempt to force what they would suppose to be his main position. He established his centre in the village of Auldearn, which stood on a height and commanded the neighbouring valley, and he placed here, under cover of some entrenchments hastily thrown up, a few picked troops with his cannon. Montrose occupied the valley in person, with the flower of his army, forming the left wing, and even this was partially concealed from view by the nature of the ground. The position was skilfully chosen and the arrangements judicious, especially against a rash commander like Hurry, who at once fell into the snare. Mistaking the right wing, with the king's standard, for Montrose's main body, he led on all his best troops to attack this position, where his men could make no progress, while they were exposed not only to the musketry of those they were attacking, but to a heavy cannonade from the village. Fortunately for the assailants, Macdonald, impatient of the taunts of his assailants, instead of remaining quietly within his entrenchments, left his ground to attack them, and was soon put to the rout. But Montrose, seizing the moment when Hurry's men were thrown into some confusion by their success, rushed down upon them with his whole strength and took them in flank. He was received, however, with resolute bravery by Lothian's, Loudon's and Buchanan's regiments, and the fortune of the day seemed inclining to the covenanters, when colonel Drummond, one of Hurry's officers, with the horse, wheeled directly into the middle of the foot, and trampled them down. It was always believed that this manœuvre was a treacherous one, and Drummond was afterwards tried by a court-martial at Inverness, and shot. Hurry's army was now thrown into irretrievable disorder, and the flight became general. He was said to have lost two thousand men in the battle and pursuit, for Montrose showed no mercy to his vanquished enemies. Among them were many gentlemen of distinction. Sixteen colours,

and all their baggage and ammunition, were captured. Montrose's loss was said to have been trifling.

Montrose followed up this victory by wasting anew the country which had already felt his vengeance. "After this great victory," Spalding goes on to tell us, "Montrose directs to burn the laird of Caddell (Campbell's) lands and houses in Nairn, and plundered his whole goods. The earl of Murray being in England, his ground was plundered. Kinstery and Lethen's lands plundered, and divers other lands in the country. And upon Sunday, at even, the 11th of May, he comes to Elgin to his supper. He sends out parties and burns the town of Garmochie, pertaining to the laird of Innes, and plunders the friars of Elgin, but being church building, would not burn the same, because his son gave order to kill James Gordon of Rynn timer. Walter Smith's house, John Mill's house, Mr. John Douglas's house of Morreston, Alexander Douglas's house, all in Elgin, were burnt, because there was some of themselves and some of their sons at the killing of James Gordon. And siclike the bigging of Spynie pertaining to the said Alexander Douglas in heritage, was burnt. And sundry other town houses in Elgin through occasion of this fire, took fire and was burnt, such as Robert Gibson's house, George Donaldson's and George Sutherland's houses. The houses pertaining to Mr. John Hay, provost, and Mr. Gavin Douglas, escaped fire by composition. The bishop's mill and Milntown, pertaining to major Sutherland's wife in life-rent, was burnt, for being art and part of the said James Gordon's death. The laird of Pluscardine's house in Elgin was burnt. This done, upon Monday, the 12th of May, Montrose directs the baggage, arms, ammunition, and all the goods (*i.e.* the plunder), over Spey to the Bog; and, upon Wednesday, thereafter, himself marches to the said place, but staid not there, but goes to Birkinbog, a main covenanter, where he and some specials (*particular friends*) are quartered. The rest of his army he directs through the country upon quarters. He sends a party and burns up the town of Cullen, which was plundered before; and such lands of Frendracht as were left unburnt before, are now burnt up."

On the defeat of Hurry, Baillie was ordered to proceed to the north against Montrose, but by a strange perverseness of judgment, he was directed to leave his best

troops behind him for the defence of the low country, and to march with only thirteen hundred foot and a hundred horse against an enemy who was double his number. On the 19th of May he began his march, and on the 21st, encamped in the wood of Coklaroquhy, within two miles of Strathbogie. Here he was joined by Hurry, who, with a hundred horse, the remnant of the army defeated at Auldearn, had crossed the Spey and forced his way through Montrose's army. Montrose, whose forces were not all with him, and who perhaps supposed that Baillie's army was more numerous, had no intention of fighting. He seems, however, to have been again taken by surprise; and informed only at the last moment of Baillie's approach, he was obliged to have recourse to a stratagem to cover his retreat. Having drawn up his army in order of march, he advanced to Strathbogie on the evening of the day of Baillie's arrival at Coklaroquhy, and began to throw up fortifications about the house as though it were his intention to remain there. Baillie was completely thrown off his guard, and paid little attention to anything but the arrangement of his own camp. No sooner, however, had darkness set in, than Montrose, ordering his advanced horsemen to keep still their position in the face of the enemy, withdrew the rest of his army and marched away in silence on the south side of the river Spey; and at day-break his horse followed. Thus he made his way to his old fastnesses in Badenoch, where he was safe from the operations of cavalry, and had the command of resources for the support of his own army, while that of an enemy must be exposed to starvation from the desolated condition of the country, which only would be in its power. Baillie followed Montrose in his retreat, and for a time the two armies remained watching each other; but what Montrose had foreseen soon arrived; Baillie's provisions were entirely consumed, and, after his cavalry had passed forty-eight hours almost without eating, he was obliged to raise his camp, and hurry towards Inverness. This occurred about the end of May, and Montrose was no sooner relieved from the presence of his enemy, than he marched south as far as Cupar, in Angus.

Both parties now recruited, after which they returned towards each other, Montrose being desirous of engaging his opponent. Baillie's position was a very harassing one; for, placed under the direction of a com-

mittee who thought only of dictating orders to him without regard to the state of his forces, which were few, and for the most part in an ineffective condition, was expected to perform exploits which were beyond his strength; and when he expostulated, and prayed to be released from the command, he was ordered to meet lord Crawford at the mills of Drum, upon the river Dee, and there, by a further order of the committee, the only well-trained troops he had were taken from him and sent to Argyle, and their place supplied with raw recruits. His orders now were to guard the passes from the mountains, and prevent Montrose's descent into the lowlands. But the jealousy and evil influence of the nobles did not cease here. Argyle, already disgusted with his own ill-success against the royalists, refused the command, which was, therefore, given to lord Lindsay, who carried off into Athol all the veteran troops who had been serving under Baillie; and the latter was ordered by the committee to proceed immediately against Montrose, and fight him. Baillie obeyed, and offered him battle at the kirk of Keith, where he had posted his army advantageously; but Montrose now declined, and retired to Alford, whither Baillie pursued him. Here Baillie, against his own judgment, it was said, was induced by Balcarras to give battle. The army of Montrose was nearly twice as numerous as that of his opponents, and their courage had been raised by continual successes. His position, moreover, was an extremely advantageous one, with a marsh which protected his rear, and the full extent of his force concealed by the nature of the ground. Montrose formed his army in line six file deep, placing the horse, commanded by lord Gordon, on his right, and having in the rear two bodies of reserve. Baillie was obliged, in order to present an equal front, to form it only three file deep, and to have no reserve. His horse, which was divided into three squadrons and commanded by Balcarras, gave way first. Balcarras charged gallantly with two squadrons, but when the other squadron was ordered to advance and charge the enemy's horse in flank, instead of obeying, they drew up in the rear and there stood still until their companions were broken. Baillie's foot fought with the utmost bravery. Even after the entire defeat of their own cavalry, and when they were attacked in the rear by that of Montrose, commanded by lord Gordon, they

still stood their ground, and it was not till Montrose brought up his reserve that they gave way. Montrose's victory was, however, complete, but he had to lament among the slain one of his ablest officers, the lord Gordon, whom he buried soon afterwards in Aberdeen with military honours.

By this victory, which now left him without any formidable opponent in the north, Montrose's expectations were raised to the highest pitch. Having sent lord Aboyne to raise recruits, and call back to his standard those who had returned home with their plunder, he waited his return, and then commenced his march southward, where the king had promised to send a detachment of horse to join him. On his march he was joined by the men of Athol, and by a number of the principal highland chiefs who were tempted by his successes. He began his expedition by again indulging his hatred to Argyle in the outrages he caused to be committed on his territories. Macdonald's Irishmen overran the lordship of Cupar, massacred the unresisting inhabitants in their cottages, and burnt their dwellings over their corpses. As Baillie, however, hung upon his rear with a new army, formidable in numbers, though not in material, Montrose judged it prudent to return towards the north, in order to secure his junction with the troops under lord Aboyne. On Aboyne's arrival, Montrose again took the field, and, encamping in the wood of Methven, threatened an attack on Perth; but the army of the covenanters making its appearance, he again made his retreat to the hills, although he only avoided an engagement through the negligence of Hurry, who, when ordered to pursue Montrose with the horse, and attack him as he was passing the ford of the river Almond, obeyed so slowly that the foot arrived there as soon as the horse, and Montrose, having been suffered to cross the ford without interruption, was seen at a distance retreating in good order over the hills where the horse could not follow him. Montrose's army, having been considerably increased by recruits from Lochaber and other parts, he again descended from the mountains. Baillie's army had now been much reduced by the departure of many of his irregular forces, and he remained strongly entrenched, waiting for three regiments from Fife, who were on their way to join him. Montrose, who knew how he had been weakened, tried now to provoke him to an engagement, but

failed, and finding his position too strong to be attacked; he burnt the parishes of Muckhart and Dollar, and, encamping with his main army in the wood of Tullibody, sent his Irish troops in the night to massacre and burn in the town of Alloa and the country around. From thence he marched south-west; intending to fall upon the earl of Lanark, who was raising a new levy in Clydesdale, and desirous of approaching near the English border, where he might receive reinforcements from the king. He crossed the Forth above Stirling, and encamped at the village of Kilsyth.

Baillie had no sooner been joined by the Fife regiments than he marched in pursuit of Montrose, and crossing the bridge of Denny, he halted at the Holland bush, about two miles and a-half from Kilsyth, on the same night that Montrose reached the latter place. It was his wish to remain there; and watch the motions of the enemy; as he was strongly posted, and he was not willing, with such undisciplined troops as he had under his command, to risk a battle without great advantages on his own side. The committee, however, which controlled Baillie's movements, thought otherwise, and they insisted that he should advance nearer to the enemy. This accordingly was done; and, after a laborious march across corn-fields and broken ground, Baillie took up an advantageous position, where he could not be attacked without great difficulty and the almost certain defeat of the assailant. The lords of the committee, however, were now eager for giving battle to Montrose, fearing either that he would effect his march into the west and spoil the country which had not yet experienced his ravages, or that he would again escape to the mountains. Baillie expostulated urgently, representing the impolicy of quitting his strong position; that the loss of a battle under the present circumstances would be little less than the loss of the kingdom, while even should he escape to the hills, the damage they would derive from that would be comparatively trifling. There was only one lord of the committee who supported Baillie, and that was Balcarrais. The others resolved on fighting; and orders were immediately given to remove the army to a hill on the right, from whence they could descend upon the enemy. Dissatisfaction appears to have spread itself through the camp, and in making the movement directed by the committee, the different officers obeyed

their orders so imperfectly, that the whole army was thrown into confusion. This was immediately observed by Montrose, who attacked the covenanters with such impetuosity, that the horse were forced back on the foot, and the whole army was routed and put to flight without anything that resembled a regular battle. The Irish, with the highlanders, rushed with wild cries upon the fugitives, and during a pursuit of fourteen miles, gave no quarter to men who had thrown away their arms and had no means of resistance. From five to six thousand men are said to have been thus slaughtered; and the whole of the ammunition, baggage, and stores of the covenanters was captured. Next day Montrose marched into Clydesdale, and established his head-quarters at Bothwell. Glasgow immediately submitted to him, and was saved from plunder by paying a heavy ransom.

The battle; or rather rout of Kilsyth, occurred on the 15th of August, 1645; and it afforded a new beam of hope to the king, whose affairs in England had been nearly ruined by the decisive battle of Naseby. The Scottish army in England had not done much since the preceding year, chiefly in consequence of the jealousies, on matters of religion which had been increasing among them; for the resistance which had been shown to the attempts of the presbyterians to enforce uniformity, and tyrannise over men's consciences, the rising power of Cromwell and the independents, and the new modelling of the English army, had all given great satisfaction to the Scots. They saw that they were losing the influential position they had hitherto held in this great struggle; which arose in reality from their extravagant pretensions in matters of religion; but they tried to prevent it by intriguing against Cromwell, and their proceedings and the movements of the army were marked by unusual indecision. When the earl of Leven moved from Newcastle, part of the Scottish army laid siege to Carlisle, which held out bravely till the 28th of June, when it surrendered on honourable conditions. The other division of the Scottish army began its march southward, and had proceeded as far as Ripon, when, on being informed that the king contemplated the invasion of Scotland in order to co-operate with Montrose, they altered their plans of operation, and marched into Westmoreland, where they might cover the siege of Carlisle at the

same time that they protected the border. Their own commissioners in England sent messengers entreating them to hasten south in order to take part in the decisive operations which were now commencing there, but in vain. The consequence was, that the independent leaders were left to reap all the honours and advantages of victory. The Scots kept marching and counter-marching in the north, without any apparent object or resolution, until after the battle of Naseby, when at length they proceeded south to Nottingham. On the 2nd of July they advanced to Melton Mowbray, on the next day to Tamworth, and on the 5th of July to Birmingham, whence they separated into several parties, dispersed over Worcestershire and Herefordshire, where they hindered the new levies which were making for the king. They took by storm Canons-Frome, in the latter county, on the 22nd of July; and after some hesitation in the choice between Worcester and Hereford (both garrisoned for the king), they proceeded to lay siege to the latter city. Before this, however, an attempt had been made to gain over the Scottish commanders, the earls of Leven and Callander, to the king, through a kinsman of the latter, sir William Fleming, but his proposals were instantly rejected, and the whole transaction was communicated by Leven to the English parliament, who, in their gratitude for his faithful conduct, returned him a letter of thanks, and presented to him a piece of plate of the value of five hundred pounds. Nevertheless there was little cordiality at this time between the parliament and the Scottish army, with which the former had commissioners to watch its proceedings.

Leven sat down before Hereford on the 30th of July, and next day summoned the governor to surrender, and on his refusal, proceeded to invest the city. At the beginning of August, the king, having raised forces in Wales, returned into England, and advanced to Litchfield, with a design, as it was supposed, of raising the siege of Hereford. Leven immediately sent David Leslie with his horse to watch him in his march. Upon this the king made a demonstration as though he would march northward, but finding this impracticable, he proceeded eastward into the associated counties. Leven now pressed the siege of Hereford with vigour, although his army had been neglected by the English parliament, and was

in arrears of its pay, and very ill-supplied with provisions. After overcoming many difficulties, and sustaining several disappointments, he was preparing to storm the city of Hereford, when he received intelligence of the approach of the king to relieve the place, and in such force as he found it necessary to raise the siege, and begin his march northwards. On doing this, he addressed the following declaration to the parliament in justification of his proceedings:—"Lest the misrepresentation of our affairs at a distance, and the misconstructions of such as want affection, might possibly beget a misunderstanding of the reality and sincerity of our intentions and desires to be useful to this kingdom, and to improve every opportunity and advantage for advancing the public service, I have thought it necessary to declare and make known the grounds and reasons of the rising of this army from the siege of Hereford, which are as follow. At our first undertaking of this service we had large promises for furnishing and providing our army with victuals and with all materials necessary for a siege; in both which we have been exceedingly disappointed. Concerning the first, the honourable houses of parliament did appoint two hundred pounds *per diem* to be assessed upon Herefordshire and the adjacent counties, to be paid to the infantry of the army, whereof they never received a farthing, but for the most part have been left to their own shift, and constrained to eat fruit and the corns that were growing upon the ground, and now for these six or seven months past have received but one month's pay, which was advanced by the city of London. As the army hath been much discouraged for want of necessary provisions for their maintenance, so the service hath been exceedingly retarded by the want of battering pieces and ball, for we had only from Gloucester three guns of eighteen-pound ball, and to each of them fifty balls, so that we were forced to send to the iron-mills to cause more ball to be cast, which spent a great deal of time. We entertained fifty miners, and when the mines were brought to perfection, they were drowned by reason of eight days' continual rain, the town being low in situation. Notwithstanding all which discouragements, after consultation with the general officers, orders were issued upon Monday the 1st of this instant to the several regiments to make ready for a storm against the next morning; but

within a few hours after these orders were issued, there came a messenger from Evesham, with intelligence that the king's horse, being about three thousand, had a rendezvous on Broadway and Camden-hill, and were marching to Worcester. This intelligence was immediately confirmed by letters from the committee of Evesham, and from Gloucester, to the commissioners of parliament, and from colonel Freeman and colonel Devereux (who sent a copy of a letter which he had from one of his servants.) Some of those informations say the enemy was seven thousand, and others say six thousand, and at least three thousand. All this could not have made us alter our former resolutions, but at the same time we received a letter from lieutenant-general David Leslie, showing that he was gone to Scotland with the whole party of horse and dragoons under his command. In this conjuncture we were not a little perplexed how to carry ourselves; for when we thought upon all the pains and hazards we had undergone, and the fair probability of our speedy compassing the end we proposed therein, we were very desirous to have continued in our resolutions, and the next day to have adventured a storm; but the enemy's forces consisting in horse and dragoons, and we having no considerable strength of horse to interpose betwixt us and their quarters, which were so near that they might easily have assaulted us before our breaches could be made, and so have interrupted us in the midst of the action, it was generally considered a very dangerous attempt; for if the enemy's forces should fall upon us before we could enter the town, it was the apparent ruin and destruction of the army. And albeit we had been assured to carry the place before the king's forces could have come this length (which by our intelligence we find was not possible for us to do), yet having no considerable strength of horse to oppose to the enemy, all the ways and passages had been close shut up by their cavalry, all accommodation of draughts and provisions of victuals had been totally cut off, besides many more inconveniences, from which we knew no way how to be relieved. For preventing of all which, and the preservation of this army, for the public good of both kingdoms (which is the measure of our desires and the end of all our actions), after a full debate and serious deliberation, it was resolved by the committee of both kingdoms residing with this army, that the siege should be raised,

and thereupon orders were given for drawing off the whole body of the army to the open fields, which was accordingly performed next morning, without any loss upon our side; and the enemy several times sallying forth, both with horse and foot, were beaten back with the loss of divers both officers and soldiers. These grounds and reasons impartially weighed, will evidence a conjuncture of necessities laid upon us for preferring the safety of the army to the uncertain event of a dangerous assault, in the now posture of affairs, when a cruel enemy is master of the fields in Scotland, and for these three weeks past hath robbed, plundered, and spoiled the substance of that kingdom at his pleasure, destroying the lands and houses of the well-affected by fire, and imprisoning their persons, for all which he pretended no other quarrel but the assistance given by us to this kingdom; which as it was performed with much readiness and cheerfulness and no less expense, in the hardest season of the year, and when this kingdom was in its lowest condition, so we are confident to meet with the like kindness and cheerful affection in the day of our calamity, when the Lord is pleased to hide his countenance from us for our sins and provocations against him."

The Scots, on leaving Hereford, marched first to Gloucester, and thence they proceeded to Warwick. In spite of the explanations given in the earl of Leven's declaration, their proceedings did not give satisfaction to the English parliament, and by an order of the house of commons, of the 23rd of September, they were desired to lay siege to Newark, and it was resolved that they should lay no assessments or contributions on any county, but that the eastern association should pay them fourteen hundred pounds a-week for their maintenance. On the 6th of October, the house of commons passed a resolution that, on the sitting down of the Scottish army before Newark, thirty thousand pounds should be paid to them on account of arrears, and that they should be supplied with match, powder, bullets, and other necessaries. The distrust, however, was so great, that the Scottish army had already reached Yorkshire on its way home, and its commanders showed no willingness to retrace their steps. With some feeling of anger, the commons again voted that the Scots should only receive the thirty thousand pounds if they sat down before Newark before the 1st of November; and hearing

that an Englishman named Case, was to be tried by a court-martial in the Scottish army, they passed a resolution "that the Scottish army in this kingdom have no power to try any Englishman by martial law, and that the said Mr. Case ought to have satisfaction therein." These feelings, however, soon gave way to others of a more conciliatory description, and both houses voted on the 14th of October, "that the houses will observe and desire to continue the assistance, amity, and friendship betwixt both kingdoms, according to the solemn league and covenant and their treaty. That the presence of the Scottish army into those parts of Yorkshire where they now are, is not so useful to this kingdom as if they came and set down before Newark, neither ought they to lay taxes on the country where they come, without making satisfaction. That Carlisle, Tinby Castle, Hartlepool, and other garrisons in the north, now in the possession of the Scots, are to be disposed of according to the directions of the parliament. That if the Scots sat down before Newark, according to the former vote, by the 1st of November next, they should have forthwith thirty thousand pounds towards their pay, &c." After some further discussion, the Scots obeyed the summons, and the earl of Leven marched to Newark to join the English troops who were besieging that town, and who, on his arrival, were placed under his command as well as the Scots.

Affairs in Scotland had now undergone a new revolution, which relieved the Scottish army in England from all further anxiety for their friends at home. Montrose had triumphed extraordinarily and unexpectedly, but in his self-confidence and exultation he mistook entirely the real character of his position, and believing himself already master of Scotland, he took no wise means to make himself so. He saw that it was necessary to lay aside the character of the freebooter, but he received very little accession of troops, and those he had could only be kept together as plunderers. Moreover, he allowed his own vindictive acts to give the lie to his professions of moderation, and, after making the city of Glasgow purchase his clemency with money, he caused some of the principal inhabitants to be put to death, in order to strike terror into the incendiaries. Nevertheless, he proclaimed that his only object was to rescue the Scottish people from tyranny and to restore the mild rule of the king, to defend religion and liberty, the

royal prerogative, and the dignity of the peerage. To the latter he especially addressed himself, and a considerable portion of the Scottish aristocracy, who appear to have been influenced only by selfish feelings during these events, hurried to join him, in the hope of making their peace and protecting their estates. Among these were, the marquis of Douglas, the earls of Linlithgow, Annandale, and Hartfield, and the lords Seaton, Drummond, Erskine, Fleming, Carnegie, Madertie, and Johnston. The principal covenanters fled into England or Ireland, and so completely did Scotland appear to be subdued, that when Montrose sent his nephew, the master of Napier, and Nathaniel Gordon, to Edinburgh with a letter to the magistrates and council, ordering them to set at liberty all his friends and partisans who were in prison there, under pain of military execution, they obeyed at once. Among the prisoners who thus escaped were the earl of Crawford and lord Ogilvy. The Scottish capital was at this time suffering under a dreadful visitation of the plague, which prevented Montrose from approaching it with his army, and probably saved it from his vengeance.

In spite of his wonderful success, Montrose found himself surrounded with difficulties. Sir Robert Spotswood, acting secretary of state for the king, had arrived from England with a commission appointing Montrose his captain-general of Scotland, and authorising him to exercise the functions of the sovereign. This he immediately put into effect by knighting his friend Macdonald, and summoning a parliament to meet at Glasgow on the 20th of October. This, however, was all he ever received from the king, who while at Newark, on the 12th of October, had dispatched the lord Digby and sir Marmaduke Langdale, with fifteen hundred horse, to march to Scotland and unite with Montrose's army. Digby marched first to Doncaster, and thence to Sherburn, where he surprised and defeated a detachment of parliamentary troops; but while he was busy securing his prisoners and the arms he had captured, another detachment of the enemy, under colonel Copley, suddenly made its appearance, and lord Digby was entirely defeated, losing about three hundred prisoners, several of them persons of note, and his coach with all his private letters, which were afterwards printed by order of the parliament. Lord Digby collected what remained of his men at Skip-

ton, and having recruited his forces from among the king's party in Lancashire, attempted to continue his march to Scotland by way of Kirby-Lonsdale. But colonel Briggs, with a detachment of parliamentary troops, had been beforehand with them, and secured the pass. The royalists now turned off by way of the sands, hoping to pass through Cumberland, and although they were watched and hemmed in by a strong body of horse sent by David Leslie, who was also on his march northward, and by the lord Balmerino with some forces from the Scottish borders, they contrived to elude both, and passing over the fords at low water, escaped. But another and still more serious reverse awaited them; for lord Digby had no sooner reached Carlisle sands, than he was attacked and entirely routed by sir John Brown, the Scottish governor of Carlisle. Finding it impossible to reach Scotland with the few men who still continued about him, he embarked in a ship he found on the coast and sailed for the Isle of Man, from whence he passed into Ireland. Thus ended Montrose's last hope of any assistance from the south. On the other hand, David Leslie crossed the Tweed on the 6th of September, and mustered on the other side an army consisting of nine regiments of horse, two of dragoons, and eight hundred foot.

While Montrose remained at Bothwell, his forces began rapidly to diminish. The highlanders, when they had got booty enough, marched off home, according to their usual practice, to secure it. In his Irish, alone, he could place any confidence, and he was obliged to overlook their depredations, which increased the hatred with which the population in general regarded him. He was himself arrogant and overbearing, appropriating all the honour of his successes to himself, and giving none to the other nobles who were fighting under his banner. The consequence was that the lord Aboyne and the Gordons, who had been among his steadiest supporters, left him in disgust. With his force considerably diminished, he now turned his eyes to the south, and, expecting the arrival of lord Digby, marched from Bothwell to meet him. So ill, however, was he served by his scouts, or perhaps rather so great was his habitual negligence and want of intelligence, that although Leslie had mustered his troops on Gladsmuir, in East Lothian, on Friday, the 12th of September, and encamped the

same night within four miles of him, Montrose remained perfectly ignorant of his proximity. Leslie's plan was to march to Montrose's rear, and cut off his retreat to the north, but when he learnt at Gladsmuir that his opponent was lying secure at Philiphaugh, in Ettrick forest, near Selkirk, he at once changed his plan, and ordered his whole army to turn to the south through Strathgala. Leslie's movements had been concealed by the night, and it was not till ten o'clock on the morning of the 13th, that Montrose's scouts rushed in breathless to inform him that the enemy was within half-a-mile. Taken entirely by surprise, Montrose sent two hundred musketeers in advance to endeavour to retard the approach of the enemy till he had had time to form his army in order for battle. With as little delay as possible, he drew up his force in line, with the horse on the right; one flank being secured by a ditch, and the other by dykes and hedges lined with musketeers. The advanced guard of musketeers was soon beaten back in confusion, and then the engagement became general, and lasted for an hour (from eleven o'clock to twelve) with great fury, Montrose's foot resolutely resisting every attempt of the enemy's horse to break through them. At length Leslie, at the head of his own regiment, made a desperate charge, and succeeded in breaking them. The confusion now became general among the foot, and the slaughter was dreadful. Montrose's horse was not numerous, but in the fury of desperation he twice rallied them and attempted to renew the combat, but in vain. The victory of the covenanters was complete. A thousand royalists perished on the field, and a great number were taken prisoners. Among the latter were the lords Drummond, Hartfield, and Ogilvy, a number of knights and gentlemen, among whom were sir Robert Spotswood, sir William Rollock, Nathaniel Gordon, the master of Napier, and many others, and two Irish colonels, O'Kean and Laghlin, who were all sent to the castles of Stirling and Edinburgh as state prisoners. A hundred Irish, who were taken prisoners, were soon afterwards shot at the stake, in retribution for the atrocities they had committed. The marquis of Douglas and the lords Crawford, Erskine, Fleming, and Napier, were fortunate enough to make their escape. Montrose, attended only by a few horse, rushed headlong towards the north, stopped only time enough to take some hasty re-

freshment at Peebles, and by day-break next morning passed the Clyde. Thence continuing his flight northward, he never stopped till he reached the wilds of Athol, where he hoped again to raise the highlanders. But Montrose's fortune had left him, and with that the *prestige* of his name, and, though he sent the lords Douglas and Airlie into Angus, the lord Erskine into Mar, and sir John Dalziel to the lord Carnegie, to stir up the people of those different districts, all their efforts were fruitless. There can be no greater proof of the weakness of the fabric which Montrose seemed to have raised, than the rapidity with which he was hurled from the highest pitch of exaltation to become a proscribed wanderer among the northern mountains.

At length Montrose succeeded in raising about four hundred men in Athol, who served to keep up a partisan warfare in the north, but the other highlanders showed no inclination to join him. He sought the assistance of the Gordons in vain; for in spite of the services he had received from them, he never represented those services in his despatches to the king, nor sought for them any share in the royal favour, and Huntley, who had now left his concealment, refused to let his clan serve under anybody but himself. Disappointed in all his attempts, Montrose returned through Braemar into Athol, and marched thence into Lennox,

and for a time hovered upon Glasgow, until he was obliged again to shelter himself in Athol. Even sir Alexander Macdonald would no longer share in his dangers, disgusted, it would appear, by his selfishness in prosperity; and this redoubted chief was obliged to wander during the winter in the remotest districts of the north, with only a small band of desperate followers, and watched by Middleton, who had been appointed by the committee of the estates with a sufficient force to hold him in check.

Meanwhile, Montrose's continuance in arms probably hastened the fate of his companions who had been taken at Philipshaugh. After that victory, Leslie marched into Lothian, where the two Irish officers passed through a hurried trial by court-martial, and were executed. The committee of estates, who met at Glasgow, proceeded to show their gratitude to Leslie and his second in command, Middleton, by voting to the first a gift of fifty thousand marks and a gold chain, and to the other, twenty-five thousand marks. They then proceeded to the trial of the prisoners, and three of them, sir William Rollock (Montrose's companion when he first entered Scotland from England), sir Philip Nisbet, and Ogilvy of Innerquharly, were convicted of treason against the state, and immediately executed. The others were reserved until the ensuing meeting of the Scottish parliament.

CHAPTER XVII.

STRUGGLE BETWEEN THE PRESBYTERIANS AND INDEPENDENTS; THE KING GOES TO THE SCOTTISH ARMY; HIS INTRIGUES UNTIL HIS ARRIVAL IN THE ISLE OF WIGHT.

KING CHARLES's battles were now fought, and in the field his party was entirely broken in both kingdoms. After the entire defeat of Montrose, David Leslie had marched back with his cavalry to rejoin the Scottish army in England, which was still occupied in the siege of Newark, the only place of any strength which the royal party still held. All the king's hopes now rested on secret intrigues; and to these the state of religious rivalry and jealousy gave an opening.

The assembly of divines at Westminster

had decided in favour of presbyterianism; but the exclusive and persecuting spirit of the presbyterians met with strong opposition in the parliament, where the party of the independents were strongest. Disappointed in their hopes of a complete victory over the sectarians, as they called all their opponents, the presbyterians insisted pertinaciously upon all the important points, and the assembly voted "That the keys of the kingdom of heaven were committed to the officers of the church, by virtue whereof they have power respectively to retain and

remit sins, to shut the kingdom of heaven against the impenitent, both by word and censures, and to open it to the penitent by absolution; and to prevent the profanation of the holy sacrament by notorious and obstinate offenders, the said officers are to proceed by admonition, suspension from the sacrament of the Lord's Supper for a season, and by excommunication from the church, according to the nature of the crime and the demerit of the person." The presbyterians wished, moreover, that the punishment of excommunication should be attended with the same civil penalties as in Scotland, which made it a powerful instrument of oppression. But it was contrary to the liberal spirit of the English leaders to admit a spiritual tyranny which they saw would be not less grievous than that of the papists, and they resolved that the civil power should not be made secondary to that of the church. They obliged the assembly to specify the cases in which sentence of excommunication or suspension should be given, and even in these they allowed of an appeal to the civil power. The parliament permitted the church to hold or exercise no power over the sword, and excluded it in most cases from any interference in high judicial matters or in civil contracts. With these restrictions, the forms of the presbyterian church, as they existed in Scotland, were agreed to by the English parliament. The presbyterians felt aggrieved that any restrictions should be placed on the power of the church, but they were much more so when they found that the presbytery was not to be the sole form of church government, but that there would be toleration of others, and they beheld with the utmost uneasiness the increasing power of their great opponents, the independents. The Scots were greatly mortified at all these proceedings, and the more so because their army, embarrassed by the same religious jealousies, had been far more backward in the campaign than was expected, and had allowed the English army and its commanders, who were mostly of the opposite religious party, to reap the glories and advantages of victory. These circumstances naturally made the English parliament pay more attention to their own army than to that of their allies, which led to discontent, complaints, and reclamations on the part of the latter. This feeling of dissatisfaction was at its height when the earl of Leven raised the siege of Hereford and marched away with the intention of returning to

Scotland, and it was not without some difficulty that he was induced to change his design, and return to undertake the siege of Newark.

The king saw in these divisions and jealousies a new opportunity for exercising his talents at intrigue and deception, which he seized upon with avidity. He was, however, approaching rapidly to the moment when all his intrigues would be without effect, and when neither his promises nor his assurances would command any further respect; for the chances of war had latterly been exposing more and more the falsity and baseness of his disposition. The capture of the king's own cabinet at Naseby had exposed to the public such extensive treachery as destroyed all Charles's further claim to trust or confidence from his subjects, and still further proofs of his insincerity were found in the correspondence of lord Digby, taken at his defeat in Yorkshire. In spite of these exposures, the king continued to pursue the same dishonest and fatal course. His favourite plan always was to weaken his subjects by keeping up divisions among them, and he now imagined the moment was come for playing off the presbyterians and independents against each other, and when they were weakened by their mutual dissensions, to bring in another power, which should be at his own devotion, and crush them both. The source from which he determined to seek this third power was Ireland. The exploits of the Irish band under Montrose in Scotland had led him to form extravagant notions of the effect which a larger body of the same savage warriors would produce in England, caring little what miseries such a visitation might inflict on his subjects, and reflecting as little on the real causes of Montrose's ephemeral success. He intrusted Ormond, his lord lieutenant in Ireland, to negotiate immediately a treaty with the Irish rebels, with this object; but their demands were so extravagant, that to accede to them publicly would have led at once to an irremediable breach with all his protestant subjects, and it is not probable that Ormond himself would have consented to be a party to it. The Irish, on their part, well knowing no doubt with whom they had to treat, would accept no verbal assurances. Under these circumstances, the king entered into a very disgraceful transaction. This was, to employ the young earl of Glamorgan, a devoted royalist and a catholic, and as such connected with many of the leading

catholic families in Ireland, to conduct a secret treaty with the Irish rebels, unknown to the lord lieutenant. While people were deluded with the attempt at negotiations made by the lord lieutenant, Glamorgan concluded a secret treaty, by which the confederated Irish catholics were to furnish the king with ten thousand troops to assist in subduing his rebellious subjects in England, and to advance him two-thirds of the rents and revenues of the church for the payment of his forces, on condition that they should enjoy the full and free exercise of their religion, that they should be eligible to all offices of trust and advancement, that they should be exempted from the jurisdiction of the protestant clergy, and that their priests should retain all the churches held by them since the 23rd of October, 1641. The king had so contrived it, that, whenever he found it necessary, he could disavow this treaty by sacrificing Glamorgan.

This treaty, however, came to light in a very unexpected manner, and very inopportunistically for the king's interests. The cessation with the Irish made by the king in the year preceding, had never been accepted by the parliament, and their troops, with the Scottish troops in Ulster, continued the war against the catholics with activity. In the course of the year 1645, they penetrated into Connaught, which was the stronghold of the catholics, and took Sligo. The Irish were resolved to recover this town at all costs, and in the month of October it was besieged by a considerable force; but the English and Scots unexpectedly defeated the besiegers with great slaughter, pursued them for five miles, and captured their tents, baggage, arms, and ammunition. Among the slain was the archbishop of Tuam, one of the prime leaders of the rebels, who held among them the high office of president of Connaught, and who was a member of the supreme council. He had accompanied the army for the purpose of visiting his diocese, and with the assistance of an armed force to exact the arrears of his bishopric. Many important papers were found in his carriage, and some which laid open the whole transaction relating to Glamorgan's treaty. The king immediately sent a message to the two houses of parliament, disavowing any share in the transaction, and Glamorgan was placed under arrest on the charge of high treason, for concluding a treaty without power to that effect from the king. In his message to parliament, the

king confessed "That the earl having made offers to him to raise forces in the kingdom of Ireland, and to conduct them into England for his majesty's service, he had granted him a commission for that purpose, and for that purpose only; but that he had no commission at all to treat of anything else, without the privity and directions of the lord lieutenant; and this clearly appeared by the lord lieutenant's proceedings with the said earl, who had orders to call him to an account." This declaration, however, obtained no credit, and everybody believed that the king had been the mover and director of the whole transaction. It was well known that Glamorgan had been in great favour, and had enjoyed the king's especial confidence, and it was not consistent with probability that he should have acted in such a case upon his own responsibility; it was further observed that, although nominal proceedings were taken against him, yet he was treated with a leniency which was totally inconsistent with his guilt, and that he continued to enjoy the king's confidence as much as ever.

At the time of this unlucky disclosure, the king, still confident in his talents at intrigue, was again attempting to enter into negotiations with the parliament. He began by soliciting passports for his commissioners to carry propositions for peace. As the parliament was rather slow in replying to this communication, the king repeated it, and in a third he proposed to go in person to London, if the parliament, the commissioners for Scotland, the lord mayor of London, and the generals of the English and Scottish armies, would unite in a guarantee for his safety for forty days. Within this time, he said, a treaty might be concluded, and he offered to give up the militia for a limited period, to re-establish the church as it was in the time of queen Elizabeth, with liberty of conscience to dissenters, and to submit the affairs of Ireland to the two houses. The houses were little inclined now to listen to such proposals; they knew that he wanted to come to London merely because he thought it would be a better place for carrying on his intrigues with the different parties; and alluding to his recently-discovered intrigues in Ireland, they answered him coldly, "that there had been a great deal of innocent blood of his subjects shed in the war by his majesty's commands and commissions; that there had been Irish rebels brought over into both

kingdoms, and endeavours to bring over more, as also forces from foreign parts; that his majesty was in arms himself against the parliament of England, while there were forces also in Scotland in opposition to the parliament of that kingdom; and that the troubles of Ireland were fomented and prolonged by his majesty." In these circumstances, they could not perceive how it would conduce to peace, for his majesty to come to his parliament for a few days, with any intent of leaving it, especially of returning to hostility against it; but they added that they were drawing up propositions which would be transmitted to him, and that his assent to these would be the only way to obtain a happy and well-grounded peace. The arrangement of these propositions was itself a matter of some difficulty.

Meanwhile the king was now addressing himself privately to each of the two great factions, and he did not hesitate to write to lord Digby and others of his confidential friends, that his design was to draw either the independents or presbyterians to side with him "for extirpating each other," and that when that was done he "should be really king again." To the independents, who were not absolutely intolerant of episcopacy, he promised full toleration for themselves and exemption from ecclesiastical supremacy; while he encouraged the presbyterians to expect from him the full establishment of their form of religion, and the suppression of all sectarians. The independents looked chiefly to the securing of civil liberty, while the presbyterians, who were fanatically attached to their kirk, would have allowed the king, in civil matters, a large amount of arbitrary power in exchange for the assurance of their favourite object. As arbitrary power was all at which the king really aimed, and as he had already shown that he cared little for the means by which he obtained it, it did not cost him much to make promises, or even to enter into engagements, from which he could subsequently withdraw, and he gradually fixed his hopes more and more upon the presbyterians. He imagined that, taking advantage of the present jealousies between the Scots and the English parliament and independent leaders, he might unite the former in his own cause, and revive the war with better hopes of success. Although he still kept up an appearance of negotiation with the parliament, and continued his

secret promises to the independents, all his attention was now turned to the Scots, and he was the more anxious to come to a speedy arrangement with them, as the parliamentary forces were gradually advancing to surround him in Oxford. He had entrusted the negotiations with the Scots to Montreuil, the French ambassador, or agent, whose proposals were at first favourably received by their commissioners. The latter had been instructed to insist absolutely on all their demands relating to religion, but to consider the question of civil liberty as a secondary one, on which they might yield a good deal without offence to their consciences. But Charles had in reality no intention of giving up episcopacy, and he was unwilling to do anything more than give promises which might be evaded, and Montreuil soon found that without something more substantial, he would make little progress in gaining over the officers of the Scottish army. Disappointed in this, he paid a visit to Scotland, where he was equally unsuccessful. He then returned to the army, and, after some further negotiations, he professed to have concluded an arrangement, the real character of which seems to be still a mystery. It appears, however, that the king, anxious on any terms to obtain personal security at a moment when he was on the point of falling into the hands of the parliamentary forces, professed his willingness to be convinced by arguments of the truth of the presbyterian form of faith, and it was pretended by him that Montreuil had assured him that the Scots had undertaken on this condition to receive him into their protection, and to employ their men and forces in the recovery of his crown. An arrangement of this kind was an extremely improbable one, and our belief in it is not justified by any known circumstance in the conduct of the Scots. On the 13th of April, 1645, the king being still at Oxford, wrote the following letter to the marquis of Ormond:—"Right trusty and entirely beloved cousin and councillor, we greet you well. Having used all possible and honourable means, by sending many gracious messages to the two houses of parliament, wherein we have offered them all they have hitherto desired, and desired from them, nothing but what they themselves (since these unhappy wars) have offered, to procure our personal treaty with them for a safe and well-grounded peace; and having instead of a dutiful and peaceful return to

our said messages, received either no answer at all, or such as argues that nothing will satisfy them but the ruin not only of us, our posterity, and friends, but even of monarchy itself; and having lately received very good security, that we, and all that do or shall adhere to us, shall be safe in our persons, honours, and consciences, in the Scottish army; and that they shall really and effectually join with us, and with such as will come in to us, and join with them for our preservation, and shall employ their armies and forces to assist us to the procuring of a happy and well-grounded peace, for the good of us and our kingdoms, in the recovery of our just right; we have resolved to put ourselves to the hazard of passing into the Scots' army, now lying before Newark. And if it shall please God that we come safe thither, we are resolved to use our best endeavour, with their assistance, and with the conjunction of the forces under the marquis of Montrose, and such of our well-affected subjects of England as shall rise for us, to procure, if it may be, an honourable and speedy peace with those who have hitherto refused to give any ear to any means tending thereto. Of which our resolution we held it necessary to give you this advertisement, as well to satisfy you, and our council and loyal subjects with you (to whom we will that you communicate these our letters); that failing in our earnest and sincere endeavours by treaty to put an end to the miseries of these kingdoms, we esteemed ourselves obliged to leave no probable expedient unattempted, to preserve our crown and friends from the usurpation and tyranny of those whose actions declare so manifestly their designs to overthrow the laws and happy established government of this kingdom. And now we have made known to you our resolution, we recommend to your special care the disposing and managing our affairs on that side, as you shall conceive most for our honour and service; being confident the course we have taken (though with some hazard to our person) will have a good influence on that our kingdom, and defer, if not altogether prevent the rebels transporting of forces from here into that kingdom. And we desire you to satisfy all our well-affected subjects, on that side, of our princely care of them, whereof they shall receive the effect as soon as God shall enable us."

It seems to admit of no doubt that at

this time Montreuil, the French ambassadör, had assured the king that he would be well received in the Scottish army, and that he would be safe in person, honour, and conscience. This statement, however, seems to have been made chiefly on the promises which he said he had received from the Scottish commissioners in London, for when he repaired to the Scottish camp in person, he acknowledged that his proposals met with a very different reception, although it is evident that the Scots did wish that the king should fall into their hands rather than into those of the English parliament. At the very moment when this negotiation was going on, the king attempted another with the army of the independents, offering to intrust his person to them. In his attempt to gain over the Scots, the king had had the weakness to imagine that he could persuade them to make common cause with Montrose, who was an object of their special hatred. Their answer on this point was decisive. On the 16th of April, Montreuil, writing from the Scottish camp to secretary Nicholas, told him that after much delay, the commissioners with the army had agreed to send a party of horse to Burton-on-Trent, to meet the king there, but they would send them no further, and the meeting was to take place as if by accident. "When they meet his majesty," Montreuil added, "he must say he is on his way to Scotland; in which case they will allow him to go to their army, instead of proceeding farther. I am not sure that this will be agreeable to his majesty, but they say it cannot be otherwise without having a quarrel with the English parliament, and making it impossible for them to keep the king in their quarters." He went on to state that "they will have no junction with any forces that have served under the king, and (what is unreasonable) they will not even allow the cavalry that escorts him to accompany him to their army." Charles's plan, at this time, was to leave Oxford with his cavalry, and force his way through the enemies who were gathering round him. So far from agreeing to act in any way with Montrose, they would not even admit of his being employed by the king as his ambassador to France, though they did not object "to his going anywhere else." "And, with regard to the presbyterian government, they desire his majesty to agree with them as soon as he can. Such is the account they make here of the engagement of the king, my master,

and of the promises I had from their party in London; and this is the utmost I have been able to extract from them, after much debating; for what they said at first was much less favourable. I shall say no more, except that his majesty, yourself, and Mr. Ashburnham know the Scotch better than I do. I state things plainly, as I am bound to do, and have not the presumption to offer any advice to his majesty. If there be any quarter where better conditions can be obtained, I think this ought not to be thought of." Nevertheless, in this same letter, Montreuil assured the king that he believed his person would be perfectly safe in the Scottish camp. In another letter, written immediately after the first, and received almost at the same time, Montreuil expressed further doubts. For some days after this, the king seems to have hesitated as to the course he should pursue. On the 20th of April, Montreuil wrote again, stating that the Scottish commissioners had assured him that they were ready to do more for the king than they had promised, and gave it as his opinion that they would do anything rather than allow him to surrender to the parliament; yet he still cautioned him from expecting too much. It is quite evident from all this that the Scots had entered into no engagement with the king such as that spoken of in his letter to the marquis of Ormond.

The king's personal danger became now greater every day. Colonel Rainsborough had obtained possession of Woodstock; Ireton was posted on another spot near Oxford; and Cromwell and Fairfax were marching from the west to put the last hand to the work on which they had been so triumphantly engaged. Still Charles appears to have remained undecided. He even sent privately to Ireton, to try if he would "undertake to accept and protect his majesty's person," according to the proposal he had already made to the independents; but Ireton returned no answer. On the 27th of April, when it is evident he was still wavering, Fairfax and Cromwell arrived at Newbury, and another day's march would have brought them to Oxford. It was now necessary to decide on something, and that night, about midnight, the king, having previously caused his beard to be cut off, disguised himself as the groom of his groom of the chamber, John Ashburnham. He took Dr. Hudson, who was well acquainted with the country and with all its by-roads, as their guide. Between

two and three o'clock in the morning, these three alone rode out of Oxford by Magdalen-bridge, the king following, with a cloak-bag strapped round him, as the servant of the other two. They had taken the precaution to send parties of three each, similarly attired, and at the same time, out of other gates of Oxford, to distract attention, and embarrass any attempt at pursuit. The king and his two companions succeeded in passing the enemy's lines, and reached Henley-upon-Thames without any accident. Charles seems even at this moment to have been undecided as to the course he should pursue, and, instead of proceeding northward to the Scottish army, he went onward to Slough, Uxbridge, and Hillingdon, where he was only distant a mile and-a-half from London. He had almost resolved upon trying his fortune in the capital, but his courage failed him at the last moment, and he turned off from Hillingdon to Harrow, and thence to St. Alban's. As they approached this town, they were suddenly alarmed by the loud clattering of horses' hoofs behind them, but their fright was soon over on discovering that it was a drunken man on horseback. The alarm, however, caused them to proceed more cautiously, and in passing St. Alban's they turned off from the high road. The king now made a circuit by way of Harborough, in Leicestershire, and Stamford (at the former of which places he was disappointed in not receiving a communication from Montreuil) to Downham, in Norfolk, where he lay hid for four days, waiting the return of Dr. Hudson, whom he had sent to Southwell, near Newark, to consult with the French ambassador. Charles himself at this time harboured the wild project of proceeding to Scotland, and making an attempt to join the marquis of Montrose, who was still in arms in the mountains, and in whom the king continued to place the most delusive hopes.

We learn from Dr. Hudson's own narrative, that the king entrusted him with a note to Montreuil, requiring him to make at once an absolute conclusion with the Scots, and to tell them that, if they would offer such honourable conditions as he could accept, he would go to them, but if their offers were not satisfactory to him, he was resolved to dispose of himself otherwise. "I came to Southwell," says Hudson, "next morning, and acquainted the French agent with these particulars, who, on Thursday night (30th of April), told me they would



Engraved by W Faden.

MONTAGU BERTIE, EARL OF LINDSEY.

OB. 1666.

FROM THE ORIGINAL OF VANDYCKE, IN THE COLLECTION OF
THE RIGHT HON^{BLE} BARONESS WILLOUGHBY OF ERESBY.

condescend to all the demands which the king and Montreuil had agreed to make to them before Montreuil came from Oxford (of which Montreuil told me the sum), but would not give anything under their hands. I desired, to avoid mistakes, that the particulars might be set down in writing, lest I should afterwards be charged with making a false relation, and so he set the propositions down in writing:—1, that they should receive the king on his personal honour; 2, that they should press the king to do nothing contrary to his conscience; 3, that Mr. Ashburnham and I should be protected; 4, that if the parliament refused, upon a message from the king, to restore the king to his rights and prerogatives, they should declare for the king, and take all the king's friends under their protection; and if the parliament did condescend to restore the king, then the Scots should be a means that not above four of them (*i.e.* the king's friends) should suffer banishment, and none at all death. This done, the French agent brought me word that the Scots seriously protested the performance of all these, and sent a little note to the king to accept of them and such security as was given to him in the king's behalf."

It must be confessed that, when we consider all the circumstances, it is in the highest degree improbable that the Scots would ever have made promises like these, for which we have only the word of a bigoted partisan, whose narrative is not always accurate. It is possible that the Scottish commissioners, wishing to get the king's person into their hands, had indirectly encouraged the French agent to expect more than they intended to do, and that he again much overrated the inclination to serve the king which he thought he had discovered in them. On Hudson's return, the king decided suddenly on going to the Scots, and accordingly next morning, Tuesday, May 5th, he and his two companions presented themselves at Montreuil's lodgings at Southwell. According to Hudson's account, they were immediately visited by some of the Scottish commissioners, and at their request proceeded to David Leslie's head-quarters at Kelham. The Scots seem to have been surprised and embarrassed by the step which the king had taken, and, according to the statement of his two attendants, they expressed the utmost astonishment when he intimated his belief in the existence of any conditions. On the 6th of May, the general and com-

mittee of estates, addressed to the committee of both kingdoms the following letter:—

"Right honourable, the earnest desire which we have to keep a right understanding between the two kingdoms, moves us to acquaint you with that strange providence wherewith we are now surprised, together with our carriage and desires thereupon. The king came into our army yesterday in so private a way, that after we had made search for him, upon the surmises of some persons who pretended to know his face, yet we could not find him out in sundry houses. And we believe your lordships will think it was matter of much astonishment to us, seeing we did not expect he would have come in any place under our power. We conceived it not fit to inquire into the causes that persuaded him to come hither, but to endeavour that his being here might be improved to the best advantage, for promoting the work of uniformity, for settling of religion and righteousness, and attaining of peace, according to the league and covenant and treaty, by the advice of the parliaments of both kingdoms, or their commissioners authorised to that effect. Trusting to our integrity, we do persuade ourselves, that none will so far misconstrue us, as that we intended to make use of this seeming advantage, for promoting any other ends than are expressed in the covenant, and have been hitherto pursued by us with no less conscience than care. And yet for further satisfaction, we do ingenuously declare, that there hath been no treaty nor capitulation betwixt his majesty and us, nor any in our names; and that we leave the ways and means of peace unto the power and wisdom of the parliaments of both kingdoms. And so far as concerns us, as we have a witness in heaven, we are confident to make it appear to the world, that there is nothing more in our desires, than in all our resolutions and proceedings to adhere to the covenant and treaty. Our gravest thoughts shall be taken up in studying, and our utmost abilities employed in acting, those things that may best advance the public good and common happiness of both kingdoms, wherein, by the help of the Most High, we shall labour to use so much tenderness and care, that we hope it shall soon appear that our actions have been the issue and result of honest and single intentions. And further, we cannot (in a manner of so deep consequence and common interest) but seek your lordships' advice; for which effect we

have also written to the committee of estates of Scotland, with intentions to move by your joint councils and resolutions; that we at last, after a seed-time of many afflictions, may reap the sweet fruits of truth and peace."

Meanwhile the king's departure from Oxford had been soon made known, though his designs were so secret that it was generally believed that he had come to London, and that he remained concealed there. On the 4th of May, the parliament, having received from sir Thomas Fairfax certain intelligence of his flight, caused an order to be published through London and Westminster, by beat of drum and sound of trumpet, declaring "that what person soever should harbour and conceal, or know of the harbouring or concealing of, the king's person, and should not reveal it immediately to the speakers of both houses, shall be proceeded against as a traitor to the commonwealth, forfeit his whole estate, and die without mercy." A review of the city forces, which was to have been held in Hyde-park, on the 5th of May, was countermanded; and an order was passed commanding all papists and cavaliers to depart to a distance of at least twenty miles from London. On the 6th of May, intelligence arrived from colonel Pointz and from the commissioners in the Scottish army, that the king had gone to the Scots, upon which, after a long debate, the commons passed the following votes:—1. "That the commissioners and general of the Scots' army be desired, that his majesty's person be disposed of as both houses shall desire and direct." 2. "That his majesty be thence disposed of, and sent to Warwick-castle." 3. "That Mr. Ashburnham and the rest of those that came with the king into the Scots' quarters, should be sent for as delinquents by the serjeant-at-arms attending the said house, or his deputy. And that the commissioners for the parliament of England, residing before Newark, should acquaint the Scots' general with these votes; and also make a narration of the manner of the king's coming into the Scots' army, and present it to the house."

One of the first consequences of the presence of the king in the Scottish army was the immediate surrender of Newark, which was given up on the 8th of May, by the king's own order. Next day the army marched northward, taking the king with them, and on the 13th of May, they arrived at Newcastle-upon-Tyne. On their march,

the Scots' commissioners sent to the parliament's commissioners to desire a meeting on the 11th of May, that they might give an account of their sudden departure, and their reasons for not delivering up Ashburnham and Hudson, according to the order of the house of commons; but before that time Ashburnham made his escape, and Hudson having been taken in a similar attempt, was confined at Newcastle.

So far there appears to have been no suspicion that the king had entered into any negotiations with the Scots for conditions before he repaired to their army; but now, to everybody's astonishment, the king's letter to Ormond of the 13th of April became public. Ormond, in obedience to the king's command, had communicated this letter to his privy council, had caused it to be printed in Dublin, and had, on the 21st of May, sent a copy of it to major-general Monro, the commander-in-chief of the Scottish forces in Ireland. Monro, naturally surprised at such a document, referred it to the commissioners of parliament in Ulster, by one of whom, sir Robert King, it was immediately carried to London, and it was read before the house of commons, on Saturday, the 9th of June. On the Monday, ensuing the following indignant protest of the Scottish commissioners in London was presented to the English parliament:—"The inclosed paper having very lately come to our hands, which although it hath not so much as colour enough to deceive, yet nevertheless, as major-general Monro, in testimony of his integrity, did communicate the thing to the commissioners of parliament in Ulster, so we, for preventing mistakes (many copies of the same thing being spread among the people), have thought good to communicate the same to the honourable houses, with our sense upon it, that by their wisdom and reciprocal care, a right understanding in all things may still be preserved between the kingdoms. Whether any such letter was signed by the king at Oxford, or whether it was invented of purpose to support a declining party, we do not know; what may concern the king in it, we leave to himself, who as he hath since the date of that paper expressed contrary intentions and resolutions in his messages to both kingdoms, so he can best tell what he wrote at that time; we are only to speak to the matter of the paper, which cometh from the hand of secretary Nicholas, unto whose informations what credit ought to be

given, the houses very well know. It doth consist in our perfect knowledge (and we declare it with as much confidence as ever we did or can do anything), that the matter of the paper, so far as concerneth any assurance or capitulation for joining of forces, or for combining against the houses of parliament, or any other private or public agreement whatsoever, between the king upon the one part, and the kingdom of Scotland, their army, or any in their name and having power from them, upon the other part, is a most damnable untruth. We shall not need to express how improbable it is, if there had been any such agreement, that the king about the same time should have sent a message to both houses, offering to come to London and to follow their advice in all things, without offering any satisfaction to the kingdom of Scotland; and that before he received the answer of the houses, he should write such a letter to Ireland, and give order to make it known, not only to his privy council, but to his other subjects of that kingdom. Nor will we insist how improbable it is, that the king should make this known to the marquis of Ormond, and neglect to acquaint the late earl of Montrose, who had been much more concerned, and who would, no doubt, if he had known any such thing, have communicated the same to major-general Middleton, and prevented the defeating of himself, his associates and forces, about the middle of May, after the king was with the Scottish army. Nor how unlikely it is, that he who is for the time commander-in-chief for the Scottish forces in Ireland, should be for the space of seven or eight weeks totally ignorant of any such agreement; or if he had known any such thing, that he would have communicated it to the commissioners of the parliament, and immediately marched himself to the fields against the enemy. Nor shall we need to call to mind the expressions in the lord Digby's intercepted letters, which gave our nation the character of such as could not be gained to that side; no, not after all applications used. There are other more sure and more public testimonies, since the date of that lying paper, which makes the falsehood of it more than probable, as if Divine Providence had purposely ordered all the late actions of the kingdom of Scotland and of their forces, both before and since the 3rd of April, to be so. Many real confutations of that groundless invention; we mean, several late fights with the rebels

under the late earl of Montrose and Allaster Macdonald, the delivery of Newark, the restraining and debarring of delinquents and malignants from the king's person and from our army, the late public declarations of the church and state of Scotland in the beginning of April, as likewise of the general and committee with the army, agreed upon about the end of April, and published the 15th of May, in Scotland, against a band of the earl of Seaforth and his associates; as for other reasons, so especially for this, that the said band did tend to the weakening of the confidence and union between the two kingdoms, firmly joined and mutually engaged for assistance to each other in this cause, as may appear more fully by the declaration herewith presented. Nor can we pass the paper delivered to the king by the committee of estates upon the 15th of May last, that if his majesty should delay to go about the readiest ways and means to satisfy both his kingdoms, they would be necessitated, for their own exoneration, to acquaint the committee of both kingdoms at London, that a course might be taken by joint advice of both kingdoms for attaining the just ends expressed in the solemn league and covenant. We shall say no more of this particular; God hath his own time to make manifest who have dealt sincerely, and who falsely; and as our nation did refuse to join with the enemy's forces when they were strongest, and did join with our brethren of England in their weakest and most necessitous condition, so we shall never look for a blessing from God upon either nation, longer than they continue faithful to God and to each other, according to the covenant and treaty. And we do confidently expect from the wisdom and justice of the honourable houses, that this and such like papers shall find no more credit here, than papers and declarations against themselves did formerly find in Scotland; and that declarations and public papers from the kingdom of Scotland, or their committees or commissioners, shall have such acceptance with both houses, as they desire declarations from themselves, or papers from any in their name, may have with their brethren of Scotland. Nor do we doubt but God will dissipate all these clouds of calumnies and misunderstandings endeavoured thereby, and will give such a frame of spirit to both nations, as may continue them in a brotherly accord and mutual confidence, for the good both of this and of the succeeding generations."

The transactions in Scotland appear tame by the side of the succession of brilliant successes which in England had reduced the king to the necessity of throwing himself into the arms of those whom he had been in the custom of regarding as the most despicable of his enemies. A parliament had been held in St. Andrews in the November of 1645, which was especially occupied in trying the prisoners taken in the battle of Philiphaugh. Most of them were punished with fines, and six only were condemned to the scaffold, of which number, one, lord Ogilvy, escaped by means of his sister, and another, lord Hartfield, was pardoned. Sir Robert Spottiswode, a son of the archbishop of St. Andrews, William Murray, brother of lord Tullibardine, colonel Nathaniel Gordon, and Andrew Guthrie, were alone brought to the scaffold. Among other acts of this parliament, one placed restrictions on the press, and another appointed and provided for schools in every parish. Montrose continued his agitation in the highlands; he had induced Macdonald to join him, and the accession of other highland chiefs threatened to make him again formidable. In the course of a succession of obscure skirmishes, a body of the royalists, pursued by Middleton, took shelter in Kincardine-castle, a house of the marquis of Montrose, which they fortified, and calculated on holding out against the covenanters until relieved by their chief. But when Middleton brought some ordnance from Stirling, and began deliberately to batter the walls, the leaders made their escape in the night, and the men surrendered at discretion next day. Middleton shot twelve of the prisoners, who were deserters from the army of the covenanters, and burnt the castle. While this was going on in one part, Montrose was exerting himself to increase his forces. He failed with the Gordons, but he succeeded at last in forming a confederacy, consisting of the earls of Seaforth and Sutherland, the lord Lovat, and the chiefs of the Grants, Mackintoshes, Monroes, and other clans, and thus strengthened he laid siege to Inverness. On the first intelligence of these events, the committees in whose hands the government of the country was placed prepared to act with vigour. Middleton was ordered to march to the north after Montrose; all his adherents were placed under the solemn and fearful ban of excommunication; while a proclamation of the government offered pardon to all who laid down

their arms and returned to their obedience, with the single exception of the earl of Seaforth. This had an immediate effect; several of the chiefs who were to have joined Montrose's league never declared themselves, and the others fell off from him one after another, until his strength was so much diminished that he thought of having recourse to the desperate experiment of recruiting his ranks by compulsion. Surprised, however, by Middleton, he was obliged to raise the siege of Inverness with considerable loss, and make his retreat to his old haunts. Soon afterwards arrived the king's order for laying down his arms, which he is said to have obeyed with reluctance; and, through the intermediation of the marquis of Hamilton, who had now recovered his place in the king's favour, he obtained an indemnity for himself and his followers, and, after remaining unmolested nearly a month in his house at Montrose, he was allowed to retire to the continent. During the absence of Middleton, Huntley suddenly rose with his friends and followers, and making an attack upon Aberdeen, took it by storm from the garrison which Middleton had left in it. The city was plundered, but, on intelligence of the approach of Middleton, it was abandoned by the captors, who retired along the north bank of the Dee, and soon deserted their leader, in order to secure their booty. Huntley himself retired to Strathbogie, where he received intelligence of the king's repair to the Scottish camp, and of his subsequent order to cease all hostilities against the covenanters.

Immediately after the surrender of Newark, as we have already seen, the Scottish army engaged in the siege of that fortress marched north to Newcastle, fearing lest any attempt might be made to take the king from them by force. It is said, indeed, that Cromwell had privately made a proposal to fall suddenly upon them and take the king out of their hands; and colonel Pointz, with a strong body of cavalry, marched after them from Newark to watch their movements. The committee of the Scottish army had at first requested a conference with commissioners from the two houses, to meet on the 11th of May, for the purpose, as they said, of explaining the reasons of their march to the north, and for consulting on the demand of the parliament relating to the disposal of the persons of the king and his two companions. But, as the Scottish commissioners stated in a subsequent communication

to the two houses, "while they were expecting an answer from the commissioners of both houses, they received advertisement, that five thousand horse and dragoons were upon their march northwards towards them, no enemy being in those parts; and that two messengers sent from us to them were intercepted and searched. Whereupon they judged it necessary and did write to the commissioners of parliament to delay the intended meeting till the army should come to a more convenient place, being unwilling that the forces of the two kingdoms should engage upon a mistake; and so soon as they came to Boroughbridge, they renewed their desires to the commissioners of parliament for a conference about this business, to which the commissioners by reason of their other occasions did not agree."

On the 18th of May, before the army had quitted the neighbourhood of Newark, the king sent a written and very artful message to the two houses of parliament. In this paper he told the parliament, that "His majesty having understood from both his houses of parliament, that it was not safe for him to come to London (whither he had purposed to repair, if so he might, by their advice, to do whatsoever may be best for the good and peace of both kingdoms), until he should first give his consent to such propositions as were to be presented to him from them; and being certainly informed that the armies were marching so fast up to Oxford, as made that no fit place for treating, did resolve to withdraw himself hither, only to secure his own person, and with no intention to continue this war any longer, or to make any division between his two kingdoms; but to give such contentment to both, as (by the blessing of God) he might see a happy and well-grounded peace, thereby to bring prosperity to these kingdoms, answerable to the best times of his progenitors. And since the settling of religion ought to be the chiefest care of all counsels, his majesty most earnestly and heartily recommends to his two houses of parliament all the ways and means possible for speedy finishing this pious and necessary work; and particularly that they take the advice of the divines of both kingdoms assembled at Westminster. Likewise concerning the militia of England, for securing his people against all pretensions of danger, his majesty is pleased to have it settled as was offered at the treaty at Uxbridge; all the persons being to be named for that trust by the

two houses of the parliament of England for the space of seven years; and after the expiration of that time, that it be regulated as shall be agreed upon by his majesty and his two houses of parliament. And the like for the kingdom of Scotland. Concerning the wars in Ireland, his majesty will do whatsoever is possible for him to give full satisfaction therein. And if these be not satisfactory, his majesty then desires that all such of the propositions as are already agreed upon by both kingdoms, may be speedily sent unto him; his majesty being resolved to comply with his parliament in everything that shall be for the happiness of his subjects, and for the removing of all unhappy differences, which have produced so many sad effects. His majesty having made these offers, he will neither question the thankful acceptance of them, nor doth he doubt but that his two kingdoms will be careful to maintain him in his honour, and in his just and lawful rights, which is the only way to make a happy composure of these unnatural divisions; and likewise will think upon a solid way of conserving the peace between the two kingdoms for time to come; and will take a speedy course for easing and quieting his afflicted people, by satisfying the public debts, by disbanding of all armies, and whatsoever shall be judged conducive to that end; that so all hindrances being removed, he may return to his parliament with mutual comfort." The king added in a postscript, that "His majesty being desirous to shun the further effusion of blood, and to evidence his real intentions to peace, is willing that his forces in and about Oxford be disbanded, and the fortifications of the city dismantled, they receiving honourable conditions; which being granted to the town and forces there, his majesty will give the like order to the rest of the garrisons." The next day, the king addressed the following letter to the city of London:—"Right trusty and well-beloved, we greet you well. Having expressed our resolution to the two houses of our parliament, to give all just satisfaction to the joint desires of both kingdoms, we have now likewise thought fit to assure the two chief cities of both our kingdoms, that nothing is more grievous to us than the trouble and distractions of our people, and that nothing on earth is more desired by us than that in religion and peace, with all the comfortable fruits of both, they may henceforth live under us in all godliness and honesty. And this profes-

sion we make for no other end, but that you may know immediately from ourselves our integrity and full resolution to comply with our parliaments in everything for settling truth and peace, and our desire to have all things speedily concluded, which shall be found requisite for that end; that our return to that our ancient city may be to the satisfaction of our parliament, the good liking of you and all our good people, and to our own greater joy and comfort. We bid you heartily farewell."

The allusion to the assembly at Westminster, which had pronounced in favour of presbyterianism, and this pointed appeal to the city of London, where presbyterianism was more than anywhere else in England in the ascendant, was an open avowal of his present policy of playing off the presbyterians against the independents, which could not fail to put the deep-sighted men who now had the destinies of England in their hands on their guard; while there was something so like mockery in his professions of anxiety for peace now that he had hardly an unbroken regiment left to carry on the war against the liberties of his people, that we are not surprised at the parliament's not returning him an immediate answer. On the 10th of June, the king, becoming impatient, sent again to the houses of parliament the following message:—"His majesty looking with grief of heart upon the sad sufferings of his people in his three kingdoms for some years past, and being afflicted with their distresses and unquiet condition, through the distractions about religion, the keeping of forces on foot in the field and garrisons, the not satisfying of public debts, and the fears of the further effusion of blood by the continuance of an unnatural war in any of these kingdoms, or by rending and dividing these kingdoms, so happily united; and having sent a gracious message unto both houses of parliament, and the commissioners of the parliament of Scotland, expressing the necessary causes of his coming from Oxford unto the Scottish army (without any intention to make a division) where he is in freedom and right capacity to settle a true peace, and containing such offers as he conceived would have been accepted, with a general clause of complying with their desires; and being impatient of delays, and not acquainted with the particulars which may give contentment to them, his majesty doth earnestly desire, that the propositions of peace so often promised, and so

much expected, may be speedily sent unto him; that upon consideration of them, he may apply himself to give such satisfaction as may be the foundation of a firm peace. And for the better and more speedy attaining thereunto, his majesty doth further propound, that he may come to London with safety, freedom, and honour, where he resolves to comply with his houses of parliament in everything which may be most for the good of his subjects, and perfect what remains for settling both kingdoms and people in a happy condition; being likewise most confident, that they according to their reiterated declarations and solemn protestations, will be zealous in the maintenance of his honour and just and lawful rights. And as his majesty desires the houses of parliament to disburden the kingdom of all forces and garrisons in their power, except such as before these unhappy times have been maintained for the necessary defence and safety of this kingdom; so he is willing forthwith to disband all his forces and garrisons within the same, as the inclosed order herewith sent will evidence. And if upon these offers his majesty shall have such satisfaction as he may be confident a firm peace shall ensue thereon, his majesty will then give order for his son the prince's present return." Inclosed with this paper was a copy of an order from the king to the governors of Oxford and other royalist garrisons to quit the several towns and castles in their possession and disband their forces. This latter proceeding was not calculated to gain the king much credit in parliament, for the king's garrisons either surrendered through consciousness of their incapacity of resisting, or such as thought they could resist refused obedience to the king's orders, on what appears to have been a prearranged plea, which was to be used at their discretion, —that the king was under restraint and not a free agent.

Unfortunately for all chance of arrangement, the king seemed to be guided by the opinion that, at any given moment, all his former acts and deceptive promises were to be entirely forgotten, and that implicit trust was to be placed in whatever new promises or declarations he chose to make. With a strange fatuity, he seemed incapable of deriving wisdom from the constant failure of his former intrigues, and was always ready to snatch at the first opportunity of renewing them rather than pursue that honest and straightforward course which might still

have raised him out of his misfortunes, and he hardly ever progressed far in open negotiation with one party, before some accident or other betrayed the fatal circumstance that under cover of those, he was pursuing some secret negotiation with the opposite faction. The presbyterians were still attached to royalty, and they considered themselves bound by the covenant to preserve the royal authority unimpaired, and for this as well as other reasons they refused to give up the king's person in obedience to the votes of the English parliament. Their sentiments on this subject were conveyed to him soon after his arrival at Newcastle, in the passage of Scripture which was read before him. "And behold all the men of Israel came to the king, and said unto the king, 'Why have our brethren, the men of Judah, stolen that away, and have brought the king and his household, and all David's men with him, over Jordan?' And all the men of Judah answered the men of Israel, 'Because the king is near of kin to us: wherefore then be ye angry for this matter? have we eaten at all of the king's cost? or hath he given us any gift?' And the men of Israel answered the men of Judah and said, 'We have ten parts in the king, and we have also more right in David than ye: why then did ye despise us, that our advice should not be first had in bringing back our king?' And the words of the men of Judah were fiercer than the words of the men of Israel." But the king totally misunderstood this sentiment, and imagined that his position was such that he could play off the influence of this attachment which he believed was due to his individual person, even to a certain degree against the sentiment of religion, forgetting that the presbyterians held as a part of their faith the right of deposing wicked princes. With this idea, when the Scots pressed him earnestly to declare himself unequivocally for presbyterianism, he pleaded his conscience, and said that he was willing to listen to arguments and to be convinced, hoping thus to gain time for the development of his intrigues, or that some favourable accident might occur to make it no longer necessary for him to temporise. The Scots, on their part, never concealed even partially or for a moment from the king the fact that they could do nothing for him but upon one condition—the unreserved taking of the covenant, and the consequent adoption of the presbyterian form of faith. The king still pleaded his scruples,

but pretended that he was willing to be convinced upon the two points in which his difficulty lay: first, whether episcopacy was not of divine institution; and, secondly, whether his coronation oath did not bind him to support and defend the church of England as established at the time of his accession to the throne. As the king had not been very scrupulous with regard to his coronation oath, whenever it stood in his way in other matters, the Scots gave him little credit for his sincerity now; but they so far paid respect to his objection, that they appointed Alexander Henderson, one of the ablest, and at the same time one of the most honest and moderate of the presbyterian divines, to argue the matter with him. The king was still contemplating, as a last expedient, his old jesuitical principle of mental reserves, and the idea seems to have come into his mind of surprising one of the most honourable men of the prelatical party in England into an approval of a course which was so consonant with his own royal practice. From Newcastle he wrote secretly a letter to Dr. Juxon, bishop of London, asking his opinion upon a case of conscience, which he described in the following words:—"I conceive the question to be, whether I may, with a safe conscience, give way to this proposed temporary compliance, with a resolution to recover and maintain that doctrine and discipline wherein I have been bred? The duty of my oath is herein chiefly to be considered; I flattering myself that this way I better comply with it, than being constant to a flat denial, considering how unable I am by force to obtain that which this way there wants not probability to recover, if accepted (otherwise there is no harm done); for, my regal authority once settled, I make no question of recovering episcopal government, and God is my witness, my chiefest end in regaining any power is to do the church service." "If," adds the king in a postscript, "your opinions and reasons shall confirm me in making this proposition, then you may in some way be seen in it, otherwise I promise you that your opinion shall be concealed." The question, it will be seen, is put very insidiously; but the answer has not been preserved, and from what we know of the bishop's character, it is not probable that it was any way satisfactory to the king. It is said to have been at Charles's own desire, expressed through the French agent, Montreuil, that Henderson, who seems to have been suffer-

ing at the time from ill-health, was appointed to confer with him. The discussion was carried on principally in writing, and the king's partisans exulted in the talent in theological controversy displayed by their monarch on this occasion. In the letters of Baillie, who had always shown an attachment to Charles's person, we have the strongest evidence of the general distrust in the king's sincerity. "Though he should swear it," he writes on one occasion, "no man will believe it, that he sticks upon episcopacy for any conscience." "Your debates upon episcopacy," he writes to Henderson, "I never took to be conscientious, but politic, and a pretence to gain time. I hear France has or will lose that scruple very easily. Will such base hypocrisy be blessed?" Again, addressing Henderson, he says, "If that man so now to stickle on bishops and delinquents, and such foolish toys, it seems he is mad; if he have the least grace or wisdom, he may, by God's mercy, presently end the miseries wherein himself and many also are likely to sink. Let me entreat you for one thing, when you have done your uttermost, if it be God's pleasure to deny the success, not to vex yourself more than is meet; *si imaudus vult vadere, etc.* When we hear of your health and courage, it will refresh us. Go matters as they will, if men will not be saved, who can help it? And yet you know that I was never among those who had the greatest aversion from his person, or least sympathy with his afflictions: if he be resolved to stop our mouths, and bind our hands, that we can neither speak nor do for him, let him go on so to make himself and us miserable; there is a better life coming; but woe to those villains who have bewitched, poisoned, and infatuated a good prince, for his own and so many millions' ruin; we are in a fair way, and daily advance into it, if his obstinacy spoil not all the play." Henderson was rapidly sinking under his disease, and which was perhaps aggravated by the vexation attendant in his vain attempts to convince the royal controvertialist, and he died at Edinburgh, whither he had returned by sea, on the 19th of August. The king's friends said that he died of mortification at being beaten in argument, and they published a forged paper, pretending to be a death-bed recantation of his former opinions, and a declaration of his remorse for the part he had taken in the war. This paper was sub-

sequently declared by a vote of the general assembly to be "forged, scandalous, and false."

All Charles's high notions of his prerogative and of his personal irresponsibility had revived in full force, and placing his hopes in secret plans of the wildest and most ridiculous character, he became as inaccessible to reason as ever. Among these plans, one was to recall the marquis of Montrose and set him at the head of a new insurrection in the highlands, with the assistance of a larger body of Irish than before. Another project, which appears to have been a favourite one, related almost entirely to Ireland. On the 20th of July, the king wrote to the earl of Glamorgan, who with his approval had been so lately accused of high treason, expressing the utmost attachment to him, and telling him that he was not so strictly watched in Newcastle but that he might correspond secretly with him, if he would send a trusty agent to be employed for that purpose. He went on to say, "If you could raise a large sum of money by pawning my kingdoms, I am content you should do it; and if I recover them, I will fully repay that money. And tell the nuncio that if once I can come into his and your hands, which ought to be extremely wished for by you both, as well for the sake of England as Ireland, since all the rest, as I see, despise me, I will do it. And if I do not say this from my heart, or in any future time if I fail you in this, may God never restore me to my kingdoms in this world, nor give me eternal happiness in the next." In consequence of this letter, Glamorgan, with the advice of the pope's nuncio, drew up in writing a paper of reasons for inviting the king into Ireland, and his queen proposed to transport herself thither at once, urging that if he would avow the secret articles agreed to between Glamorgan and the catholics, all the Irish catholics would take arms in his favour, and that the pope would assist with money and men. France, also, was to assist materially, and it was this probably to which Baillie alluded in a letter just quoted. It appears that the French government was at this moment inclined to enter into the war as an excuse for seizing upon the Channel Islands.

It was his vain trust in the eventual success of some of these secret intrigues that made the king's ears more deaf to the presbyterians, that raised again his high pretensions, and at the same time made him

anxious to gain time by prolonging conferences and negotiations. Meanwhile the Scottish and English commissioners were debating on the propositions which were to be offered to the king. The presbyterians, while they put no trust in the king's professions, were still desirous of making the conditions as lenient to him as possible, while the independents, who had embraced the largest views of civil liberty, and who had already begun to talk of banishing royalty altogether, determined at least that they would not restore the crown without certain and substantial guarantees for the future. Each, however, was anxious to persuade the king to submission, and this anxiety encouraged him to pursue his favourite but fatal policy of playing off one party against the other, believing that in this way he should at last make himself the master of both. The real effect of his obstinacy, however, was to make the Scots more willing to join the English in insisting on conditions which they would otherwise have considered as harsh. On the 25th of July, the marquiss of Argyle announced to the grand committee of the two houses of parliament appointed to consider this matter, in a very able and moderate speech, that the Scots and English had agreed on the terms to be offered to the king. These terms were substantially the same as those which had been proposed at Uxbridge, when the issue of the contest between the king and his parliament was most doubtful, and when therefore the latter may be supposed to have been inclined most to moderation in its demands. It was now, however, required that the militia in both countries should be vested in the respective parliaments for twenty years. In respect of religion, the king was required to swear to the solemn league and covenant, and consent to an act for requiring the taking of it through the three kingdoms; he was to agree to the passing of an act abolishing the whole of the episcopal church government, according to the articles of the treaty of Edinburgh of the 29th of November, 1643; to confirm the ordinance for the calling and sitting of the assembly of divines; to settle by act of parliament the reformation of religion according to the covenant; and to labour for the establishment of a uniformity of religion in the three kingdoms, as it should be agreed upon between the parliaments of both kingdoms and the assemblies of divines. As all parties knew the king's

desire to procrastinate, the commissioners of the two countries, who were to present these articles to the king, were ordered to require a peremptory answer within ten days.

Although the king still thought that he was out-manœuvring everybody, he must have felt alarmed at the unity of action which these propositions showed to exist between the Scots and English, and at the same time he had been completely convinced, if he ever thought otherwise, that the Scots considered that he had thrown himself upon them without any conditions. As soon as intelligence of his arrival in the Scottish camp reached Edinburgh, the committee of estates dispatched the earl of Lanark (who, after he had escaped from arrest at Oxford, had joined the covenanters), with some others of their number, to wait upon him and declare their respect for his person, and their hopes that he would comply with the just wishes of his people. These were followed immediately by Argyle, Balmerino, Crawford and Lindsay, who were to join with the others in urging this compliance, and at the same time to prevent the king from tampering with David Leslie. The king complained to these noblemen that he had not been treated by the Scots as was promised to Montreuil, that his subjects had been refused free access to him, and that he had been pressed against his will to sign the covenant. When Montreuil was called upon, he at first declared that he had the promise of the Scottish commissioners in writing, and that it was in French, but when called upon to produce it, he shuffled so much, that it was evident no such promise existed, and the matter was dropped. Indeed, the more we investigate the matter, the more evident it appears that, whatever had passed between Montreuil and the king, there had been no promise given by the Scots as a condition for trusting himself into their hands. Argyle now proceeded to London to act with the commissioners there, and on the 23rd of July he returned with them to Newcastle, bringing the propositions which were to be offered to the king. Next day, at two o'clock in the afternoon, the hour which Charles had appointed, they proceeded in state to court, and were received in the presence-chamber by the king, who gave them his hand to kiss. They then withdrew into an inner room, where the earl of Pembroke announced to the king that they were the

bearers of propositions from parliament. The king put the same question as on former occasions,—whether they had any power to treat? and when the commissioners, who came to require compliance and not to negotiate, replied in the negative, he remarked, in almost the same words he had used on a similar occasion before, “Then, saving the honour of the business, an honest trumpeter might have done as much.” The propositions were then read to him, and, after listening attentively to the whole, he said, “Gentlemen, I hope you do not expect a very speedy answer, because the business is of very high concernment.” The earl of Pembroke, in reply, informed him that they were limited to ten days, and that they could not remain in Newcastle beyond that time. The king then dismissed them, with an intimation that he would give his answer in convenient time.

It soon became evident that the king, though he avoided giving a definite answer, had no intention to comply with the propositions brought by the commissioners; although the latter, during their stay, urged every argument in their power, and the earl of Leven, with a hundred officers of the army, waited on him, and on their knees beseeched him to yield to the propositions, and to satisfy them all by taking the covenant. On one of these interviews, the lord Loudon addressed the king as follows:—“Your majesty was pleased on Monday last to call the lords of your council of Scotland, and committee, to acquaint them with the propositions, and told them, before you would deliver your answer, you would make the same known to them. The time assigned to the commissioners’ stay is so short, and the consequence of your majesty’s answer of so great importance, either for the preservation or ruin of your crown and kingdoms, as we could not be answerable to God, nor to that trust reposed in us, unless we represented to your majesty how necessary it is that your majesty’s assent to the propositions, as the condition of affairs now stands in so great extremity, and that the danger and loss of your refusal will be remediless and bring on a sudden ruin and destruction. I shall begin first with the last, which is the danger, and shall next speak a word of the remedy. The differences betwixt your majesty and your parliament (which no man knoweth better than your majesty’s self) are grown to such

a height, that, after many bloody battles, the parliament having your majesty, all the forts, garrisons, and strongholds in their hands, having your majesty’s revenue, excise, assessments, sequestrations, and the authority to raise all the men and money in the kingdom; and having, after many victories and great successes, a strong army on foot, are now in such a posture for strength and power, they are in a capacity to do what they will both in church and state. And some are so afraid, and others so unwilling, to submit themselves to your majesty’s government, that they desire not you, nor any of your race, longer to reign over them; the people are so wearied of the war and great burthens they do groan under, are so loath to have monarchical government destroyed, that they dare not attempt to cast it totally off, till once they send propositions of peace to your majesty, lest the people (without whose concurrence they are not able to carry on their design) should fall from them; but after so great war and trouble, that they may have a perfect security from opposition and arbitrary power, they have resolved upon the propositions which are tendered to your majesty, as that without which the kingdom and your people cannot be in safety, and that there cannot be a firm peace upon any other terms. Your majesty’s friends in the houses, and the commissioners from Scotland, after much wrestling, did consent to the sending of those propositions, or to be rated the hinderers of peace, or otherwise to send no propositions at all. And now, sir, if your majesty (as God forbid!) shall refuse to assent to the propositions, you will lose all your friends in the houses, lose the city, and all the country; and all England will join against you as one man. They will process and depose you, and set up another government; they will charge us to deliver your majesty to them, and to render their garrisons, and remove our armies out of England; and upon your majesty’s refusal of the propositions, both kingdoms will be constrained for their mutual safety to agree and settle religion and peace without you; which (to our unspeakable grief) will ruin your majesty and your posterity, if your majesty refuse our faithful advice (who desire nothing on earth more than the preservation of your majesty’s royal throne.) And if your majesty lose England by your wilfulness, you will not be permitted to come and reign in Scotland.

Sir, we have laid our hands upon our hearts; we have asked counsel and direction from God, and have had our most serious thoughts upon the remedy; but can find no other to save your crown and kingdoms, than your majesty's assenting to the propositions; and dare not say but they are higher in some things (if it were in our power and option to remedy) than we approved of; but when we see no other means for curing the distempers of the kingdoms, and closing the breach between your majesty and your parliament, our most humble and safe advice is, your majesty will be graciously pleased to assent to them, as the only way to establish your throne; because your majesty shall be thereby received again in your parliament, with the applause and acclamations of your people; by your royal presence all friends will be strengthened, and all enemies (who fear nothing so much as the granting the propositions) will be weakened; your majesty will have a fit opportunity hereafter to offer such propositions as you and your parliament in wisdom shall think fit for your crown and kingdom; the armies will be disbanded, and your people finding the sweet fruit of a peaceable government, you will gain their hearts and affections, and that will be your majesty's strength and glory, and will recover all that you have lost in this time of tempest and trouble. And if it please God to incline your royal heart to this advice of your humble and faithful servants, who, next to the honour and service of God, esteem nothing more precious than the safety of your person and crown, our actions shall make it appear that we esteem no hazard too great for your majesty's safety; and that we are willing to sacrifice our lives and fortunes for establishing your throne and just right."

This speech was honest and straightforward, and could leave no doubt on the king's mind as to the light in which he was regarded by the Scots. In fact he had completely failed in the impression he expected to have made upon them, and he still clung to the idea that he could put the two parties against each other, and that in the end he should be their master. Accordingly, when he could defer it no longer, he gave an answer, on the 1st of August, in an unconciliatory strain, telling the parliament that they had taken twice as many months to deliberate on the propositions as they had given him days to answer them, and that "they imported such great altera-

tions in government both in church and kingdom, as it was very difficult to return a particular and positive answer before a full debate." "He finds," the king went on to say, "upon discourse with the said commissioners, that they are so bound up from any capacity either to give reasons for the demands they bring, or to give ear to such desires as his majesty is to propound, as it is impossible for him to give such a present judgment of and answer to these propositions, whereby he can answer to God that a safe and well-grounded peace will ensue (which is evident to all the world can never be, unless the just power of the crown, as well as the freedom and property of the subject, with the just liberty and privileges of the parliament, be likewise settled); to which end his majesty desires and proposeth to come to London, or any of his houses thereabouts, upon the public faith and security of the two houses of parliament and the Scotch commissioners, that he shall be there with freedom, honour, and safety; whereby his personal presence may not only raise a mutual confidence betwixt him and his people, but also have those doubts cleared, and those difficulties explained unto him, which he now conceives to be destructive to his just regal power, if he shall give a full consent to these propositions, as they now stand." He assured them, in conclusion, "that as he can never condescend unto what is absolutely destructive unto that just power which by the laws of God and the land he is born unto, so he will cheerfully grant and give his consent unto all such bills, at the desire of his two houses, or reasonable demands for Scotland, which shall be really for the good and peace of his people."

This answer, which was considered as a rejection of the propositions, gave as much joy to the republican party, as it grieved all who desired the preservation of royalty, or who sincerely wished well to the king. It was immediately followed by the discussion of another question, which had been already under discussion before the king's answer was given,—the withdrawal of the Scottish army from England, which was equally desired by the English and the Scots. But it was necessary, before the army could depart, to settle the amount and manner of payment of the arrears due from the English parliament. The Scottish commissioners had already prepared a proposition on the subject, which they presented to the English

parliament immediately after the report of the king's answer to the propositions had been read. "The same principles of brotherly affection," they said in this paper, "which did induce both kingdoms to a conjunction of their councils and forces in this cause, move us at this time to apply ourselves to the most real and effectual ways which tend to a speedy conclusion and amicable parting, and to the prevention of misunderstandings between the kingdoms in any of those things which peradventure our common enemies look upon with much joy as occasions of differences. For this end we have not taken notice of the many base calumnies and execrable aspersions cast upon the kingdom of Scotland in printed pamphlets and otherwise; expecting from the justice and wisdom of the honourable houses, that they will of themselves take such course for the vindication of our nation and army, as the estates of Scotland have shown themselves ready to do for them in the like case. Upon the invitation of both houses, the kingdom of Scotland did cheerfully undertake and hath faithfully managed their assistance to this kingdom, in pursuance of the ends expressed in the covenant; and the forces of the common enemy being (by the blessing of God upon the joint endeavours of both kingdoms) now broken and subdued, a foundation being also laid and some good progress made in the reformation of religion, which we trust the honourable houses will, according to the covenant, sincerely, really, and constantly prosecute till it be perfected; that we may manifest to the consciences of our brethren, and to all the world, how far it is and ever was from the thoughts and intentions of the kingdom of Scotland, to make use of their army in this kingdom to any other ends besides those expressed in the covenant; and how much they desire the preserving and perpetuating of peace and amity between the kingdoms, and the easing of the burthens and pressures of this nation; we do in their name declare, that they are willing forthwith to surrender the garrisons possessed by them in this kingdom (which they did keep for no other end but the safety and security of their forces), and without delay to recall their army; reasonable satisfaction being given for their pains, hazards, charges, and sufferings; whereof a competent proportion to be presently paid to the army before their disbanding, and security to be given for the remainder, at such times hereafter as shall be mutually

agreed on. If any forces shall be kept on foot in either kingdom, we desire that they be put under the command of such persons as are known to be zealous for reformation and uniformity in religion, and most tender of the peace of the kingdoms, and against whom neither of the kingdoms may have any just grounds of jealousy. And whereas the kingdom of Scotland hath been invaded and is still infested by forces from Ireland, it is expected that the honourable houses, according to the large treaty, will give such assistance and supply to the kingdom of Scotland, as may speedily reduce those rebels to obedience. And to the end there may in all things be a good understanding between the kingdoms, we further propose, that whereas propositions for a safe and well-grounded peace have been lately sent to the king in the name of both kingdoms, and for obtaining his majesty's consent thereunto the utmost endeavours of the kingdom of Scotland have not been wanting, as may appear by the many addresses, petitions, and solicitations to that end, from the army, the lords of his majesty's privy council, the committees of estates, and the general assembly of the church, the success whereof hath not answered our wishes and hopes, his majesty, to our unspeakable grief, not having yet agreed to the propositions; we desire that the honourable houses may be pleased to take such course as by the joint advice of both kingdoms, engaged in the same cause, labouring under the same dangers, and aiming at the same ends, we may consult and resolve what is next to be done, for the peace and safety of these kingdoms, both in relation to his majesty, and each kingdom to the other; being confident that the result of our joint consultations will be such as shall provide for the present and future security of the kingdoms, and strengthen their union between themselves."

This paper was presented to the house of lords on the 12th of August, and next day it was communicated by the lords to the commons, who ordered that the sum of a hundred thousand pounds should be provided for an advance to the Scottish army, and passed a vote to the effect that the house "did very well and thankfully approve of their good affections and zeal to this kingdom, and their offer to deliver up our garrisons and depart the kingdom;" and a second vote, that the arrears of the Scots should be audited, and in convenient

time paid. On the 18th of August the Scottish commissioners gave in their accounts to the house of commons. The whole sum which the Scots claimed was about two million pounds sterling, of which they acknowledged having received in money, provisions, assessments, quarters, and otherwise, the sum of seven hundred thousand pounds. The parliament, on their part, made out that the Scots had received fourteen, instead of seven, hundred thousand pounds, including various items which the Scottish commissioners were not willing to admit. Thus, of the provisions of different kinds charged to them by the committee at Goldsmiths'-hall, they said that much must be deducted as never delivered, having been in part taken by the enemy at sea, and in part spoiled and made useless. Again, they said, that of the twenty thousand pounds a month to be levied on Yorkshire, during the siege of York, a portion only had ever come in. The same objection was made to the amount of the sum reckoned as having been raised upon coals at Newcastle. The parliament reckoned in the accounts the sum of twenty thousand pounds which the Scots had received from the town of Newcastle, to which they objected as being a mere composition with the townsmen to save their houses from plunder, "which cannot be accounted as part of the pay of the army, since the town was taken by storm." Other items were disputed on both sides, and the accounts underwent so severe a scrutiny, that the Scots, tired out, offered to accept a sum in gross in full discharge of all arrears. Upon this the commons appointed a committee to receive the particular proposals of the Scots on this subject, and to ascertain what sum they were willing to take, how much they required in advance, and how the remainder was to be paid. This committee reported that the Scottish commissioners demanded the sum of five hundred thousand pounds, that they required three hundred thousand pounds to be paid immediately, on the advance of their army towards Scotland, and the other two hundred thousand at the end of twelve months. This demand gave rise to a violent debate in the house of commons, which lasted nearly a whole day, and ended in a vote that two hundred thousand pounds should be paid in advance, *i.e.*, that a hundred thousand pounds should be paid by the 18th of September, and that the other hundred thousand should be paid in two equal instalments

within three and nine months respectively, while the public faith of the kingdom should be given for the payment of the other three hundred thousand pounds, after deducting the accounts of the country for free quarter. At length, after further debates on the subject, the Scottish commissioners, on the 1st of September, presented a paper to the house, consenting to receive in full the sum of four hundred thousand pounds, but earnestly pressing that two hundred thousand pounds might be paid them in advance before they left Newcastle. As some difficulty was still made, they gave in next day a "paper of reasons" why their army could not move from their present quarters without an advance of two hundred thousand pounds, and the commons, convinced by this statement, agreed to their demand, and made arrangements for raising the money. The conduct of the Scots, throughout this transaction, was characterised by the utmost fairness and moderation.

This question being thus arranged, there remained one which was still more embarrassing—that of the disposal of the king's person. During the agitation of the question of arrears, the Scots made incessant and urgent solicitations to the king on the matter of religion, and addresses were presented by the commissioners of the church and by those of the estates, as well as by the army. The duke of Hamilton, who was set at liberty when St. Michael's Mount was taken by the parliamentarians, had repaired to the king at Newcastle in the month of July, and was taken into favour again; he joined his entreaties with those of other lords of the privy council, but in vain. The marquis of Argyle and the earls of Loudon and Dunfermline proceeded to London, to try and obtain from the English parliament a delay in their resolutions upon the king's answer to the propositions, and to induce them, if possible, to yield to the king's request to be allowed to come to London; and, at the same time, Hamilton was sent to Scotland to persuade the committee of estates to accept the concessions which the king was willing to make. Neither of these missions, however, were successful, and Hamilton returned with the earls of Crawford and Cassillis, the lords Lindsay and Balmerino, and other commissioners, to press the king still more urgently to agree to the propositions while it was still not too late. In his reply, which was given in writing, he still insisted upon a personal treaty,

alleging that his answer was not intended for a denial, and pleading scruples of conscience against abandoning episcopacy. On one occasion, when his answer on this latter subject had given particular dissatisfaction to the Scottish commissioners, the king sent them the following paper, in which he still attempted to work upon their jealousy of the independents:—"My lords, 'tis a very great grief to me, that what I spoke to you yesterday and offered you in writing concerning religion, hath given so little satisfaction; yet, lest the reasons I then told them should not be so fully understood, I think it necessary at this time to set them down to you in this paper. I then told you, that whatsoever was my particular opinion, I did noways intend to persuade you to do anything against your covenant; wherefore I desire you to consider whether it be not a great step to reformation (which I take to be the chief end of your covenant) that presbyterian government be legally settled. It is true that I desire that my own conscience, and those that are of the same opinion with me, might be preserved, which I confess doth not as yet totally take away episcopal government; but then consider withal that this will take away all the superstitions, sects, and heresies of the papists and independents; to which you are no less obliged by your covenant than the taking away of episcopacy. And this that I demand is most likely to be but temporary; for if it be so clear as you believe that episcopacy is unlawful, I doubt not but God will so enlighten mine eyes, that I shall soon perceive it, and then I promise you to concur with you fully in matters of religion. But I am sure you cannot imagine that there is any hope of converting or silencing the independent party, which undoubtedly will get a toleration in religion from the parliament of England, unless you join with me and in that way I have set down for the re-establishing my crown, or at least that you do not force me to do this (which is yet against my conscience) until I may do it without sinning; which as I am confident none of you will persuade me to do, so I hope you have so much charity, not to put things to such a desperate issue as to hazard the loss of us all, because for the present you cannot have full satisfaction from me in point of religion; not considering that, besides the rest of the mischiefs which may happen, it will infallibly set up the innumerable sects of the independents; nothing being more

against your covenant than permitting of those schisms to increase. As for the message which I think fit at this time to send, I have chosen rather to mention the point of religion in a general than particular way, lest (not knowing all these reasons which I have now set down to you, which are most unfit for a message) it may give less satisfaction than I desire. Nevertheless I do conjure you, by that love and loyalty you have always professed unto me, that you make use of what I offered yesterday in writing, with these reasons which I have now set down to you, and those further hopes I have now given you, for the best advantages of my service; with this particular explanation, that whereas I mentioned that the church government should be left to my conscience, and those of my opinion, I shall be content to restrict it to some few dioceses, as Oxford, Winchester, Bristol, Bath and Wells, and Exeter, leaving all the rest of England fully to the presbyterian government, with the strictest clauses you shall think upon against papists and independents." "I require you," he added in a postscript, "to give a particular and full account hereof to the general assembly in Scotland, showing them that I shall punctually make good my last letter to them, and that this is a very great step to the reformation desired, not only by the present putting down all sects and independents, but likewise presently establishing presbyterian government; hoping that they, as ministers of God's word, will not press upon me untimously the matter of church government and discipline, until I may have leisure to be so persuaded, that I may comply with what they desire without breach of conscience, which I am confident they as churchmen cannot press me to do."

There is something so ridiculous in the king's proposal to give up some of the dioceses, that it was calculated to throw doubts upon his sincerity; for, as it has been justly remarked, if his conscience were tender at all upon the subject, it must have been as tender in one diocese as in another. Hamilton continued to press the king on the matter of religion, assuring him that nothing could be done without yielding that, and that the Scots were willing to yield, more or less, on every other point. But it was all in vain, for the king was infatuated with the belief that neither England nor Scotland could do without him, and that if he held out, they would in the end be obliged to give in. Under this convic-

tion, he assumed a high tone, which was quite inconsistent with his real situation. Hamilton, who foresaw the disastrous consequences to which the king's conduct was leading, determined to retire from political life and quit the country. Unfortunately, the king interfered, and Hamilton was persuaded to remain. "I must first tell you," said the king in his letter to Hamilton on the subject, which was written on the 26th of September, "that those at London think to get me into their hands by telling our countrymen that they do not intend to make me a prisoner. O no, by no means! but only to give me an honourable guard, forsooth, to attend me continually, for the security of my person; wherefore I must tell you (and 'tis so far from a secret, that I desire every one should know it, only for the way, I leave it to you to manage it for my best advantage) that I will not be left in England when this army retires and these garrisons are rendered (without a visible violent force upon my person), unless clearly, and according to the old way of understanding, I may remain a freeman, and that no attendant be forced upon me, upon any pretence whatsoever."

This subject was now the great matter of debate between the English parliament and the Scottish commissioners. On the 18th of September, the house of commons passed two votes: 1. "That whatsoever consultation and debate the Scots' commissioners should have concerning his majesty's person, the same should not any ways impede the march of the Scots' armies out of this kingdom, nor violate or trench upon the treaties between both nations;" and, 2. "That his majesty shall be disposed of as both houses of the parliament of England shall think fit." A committee of both houses was appointed to communicate these votes to the Scottish commissioners, and to confer with them upon the subject. In repeated conferences, the Scots asserted by the covenant and by the league between the two countries, as well as by their natural relationship under one king, a joint right in disposing of his majesty's person, and they said that the only question open for discussion was, whether he should go to London, or be conveyed to Scotland, or sent to some other place. They frankly acknowledged that they had no wish to carry him to Scotland, where they said he would be dangerous to both kingdoms; but they urged that, as he had not absolutely refused the pro-

positions, and as he had himself expressed the wish for a personal conference with the houses of parliament, he should be taken to London, and another attempt made to induce him to yield to the terms offered him by the parliament. The English commissioners asserted that, as the king had surrendered himself in England to an army which was engaged in the service of the English parliament, he ought to be delivered up to that parliament as having the sole right to dispose of him. "We say," said the earl of Loudon, in the last conference on the subject, "that the person of the king cannot be disposed of without the joint advice and consent of both kingdoms; but, as we do acknowledge that England hath parity of interest with Scotland, so do we still offer that they shall have parity of power in disposing of the king; and we do affirm that the person of the king, who is king of Scotland as well as of England, and is head and monarch of both kingdoms, cannot be disposed of by any one of the kingdoms alone; but whatever is to be done concerning the disposing of his majesty's person, ought to be done by joint advice and common consent of both, as may serve most for the peace, security, and happiness of the king and kingdoms. To which there was nothing offered in effect, but that the king being within England, his person was to be disposed of as the two houses shall think fit; and that the king being with the Scottish army, and they being paid by the parliament of England, he is in effect in the power of the houses, and ought to be at their disposing, in the same way as if he had come to the army of sir Thomas Fairfax, or any other of the parliament's armies. To which we shall not need to make any reply, other than we have made already, that the king's present residence in England, nor no locality, can take away the reality of our relations formerly mentioned by us, far less can it take away the engagements and stipulations between the kingdoms; and though the Scottish army be paid by the parliament of England, yet they are the army of Scotland, raised for pursuance of the ends of the covenant, and are to be ordered and directed by the parliaments or committees of both kingdoms. And therefore they cannot with conscience, duty, or honour, deliver the person of the king without his own consent, to be disposed of as the two houses shall think fit."

After the conference was closed, the

Scottish commissioners committed their speeches to the press, contrary, as it was stated by the parliament, to their promise that the conference should be an entirely secret one. When this was known, orders were given to seize the copies at the printer's, and to commit the printer himself. They were, however, subsequently reprinted in Edinburgh, and after their appearance, the English house of commons published an elaborate reply, in which they made rather a captious distinction between the relations of the Scots to their king when in Scotland, and to the same king when in England. The English parliament, however, asserted their right to have the disposal of the king's person, on the broad ground that all the circumstances of the case had occurred within England, and concerned primarily the English parliament, that the Scottish army was in England as paid allies of the English parliament, and that whatever they did in England was done for the parliament, and that whatever was taken for the parliament must naturally be given up to the parliament to remain at its disposal.

The money for the payment of the Scots was raised with greater ease than seems to have been expected, the whole of the two hundred thousand pounds having come in by the 27th of November, and it was ordered to be sent to York, and arrangements were made for the departure of the Scots. Hamilton, finding that his presence was no longer of use at Newcastle, where he could make no impression on the king, returned to Scotland, in the hope that with his brother, Lanark, he might be able to make some impression there in the king's favour, especially as the Scottish parliament was now assembled. After much intriguing and many debates, they succeeded, on the 16th of December, in drawing a committee of the whole estates by surprise into a resolution, that present instructions should be sent to their commissioners in London, to press his majesty's coming to London with honour, safety, and freedom, and to insist upon the maintaining of monarchical government in his majesty's person and posterity, and his just title to the crown of England. The king's friends were highly elated with this vote, but their joy was damped next day, when the commissioners of the general assembly, alarmed at the success of this intrigue, having drawn up what they entitled "A solemn and seasonable warning to all estates and degrees of per-

sons throughout the land," presented this document to the parliament. The commissioners warned the estates against breaking the covenant and separating themselves from their English brethren. "If," they said, "his majesty shall have thoughts of coming to this kingdom at this time, he not having as yet subscribed the league and covenant, nor satisfied the lawful desires of his loyal subjects in both nations, we have just cause to fear that the consequences of it may be very dangerous both to his majesty and these kingdoms; which, therefore, we desire may be timely prevented. For so long as his majesty doth not approve in his heart and seal with his hand the league and covenant, we cannot but apprehend that, according to his former principles, he will walk in opposition to the same, and study to draw us into the violation thereof, and the dissolution of the union so happily begun between us and our brethren, to weaken the confidence and trust, and to entertain jealousies and make divisions amongst ourselves. Neither is it possible but that our receiving him in this present posture of affairs, will confirm the suspicions of the English nation of our underhand dealing with him before his coming to our army; and make them, not without cause, to think that we purpose to dispose of him without their consent, and to their prejudice; which is contrary to the profession of those that were in trust at his majesty's first coming to the Scots' quarters, and overthroweth all the arguments that have been used by the commissioners of our parliament in their papers concerning the disposing of his majesty's person by the joint advice and common consent of both kingdoms, given in to both houses of parliament in England. Nor do we see how we can vindicate such a practice from a direct breach of our engagements to them by covenant and treaty; which were not only to expose ourselves unto the hazard of a bloody war, but to involve us in the guilt of perjury."

When this admonition had been read, there was another debate on the subject of the king, and, reversing the motion of the previous day, the estates voted that he should be again desired to accept the whole propositions, and that in case of his refusal they should proceed to secure the kingdom without him. It was farther resolved, that the kingdom of Scotland cannot lawfully engage themselves for his majesty, he not taking the covenant, and satisfying them as to reli-

gion; and that he should not be allowed to come into Scotland, unless he gave a satisfactory answer to the whole propositions lately presented to him in the name of both kingdoms. The earl of Lanark, who dispatched a messenger to the king with information of what had taken place, addressed to him at the same time an impressive letter, imploring him to yield the question of religion before it was too late, as the only means of safety for himself and his friends, and assuring him that unless he yielded, there was no hope of doing anything for him in Scotland. "Wherefore," he said, "as in the presence of God I must discharge myself to your majesty, and show you the resolutions now taken here in relation to the restraining of your majesty's person, and governing the kingdom without you, will be infallibly put in execution, if your majesty does not satisfy in the covenant and religion, in the full, as is demanded; neither will it be in the power of any in this kingdom to prevent affronts and danger to your majesty's person, if you have any thoughts of coming hither." The king now gave up the small hopes that were left of assistance from the Scots, and again turned his thoughts to the English parliament. On the 20th of December, he addressed a most urgent letter to the two houses, insisting on being allowed to repair to London to negotiate a personal treaty. On the 22nd of December, the house of lords voted, "That the king being now in England may come to Newmarket, there to remain with such attendants about him as both houses of parliament shall appoint." When this vote was communicated to the commons, they resolved, after some debate, "That Holmby-house, in Northamptonshire, would be a place most fit for his majesty, if he pleased to come thereunto, and abide with such attendants as both houses shall appoint." On the same day the Scottish commissioners acquainted the house of commons that they were preparing for their return to Scotland, and they desired to know what further service the houses had to command them to the parliament of that kingdom; upon which both houses passed votes of thanks to the commissioners. All Christmas-day was spent in a further debate on the subject of the king's removal to Holmby, and finally, in a conference between the two houses, it was agreed, "That his coming thither should be with respect to the safety and preservation of his majesty's person, and in preservation and defence of

the true religion, according to the covenant." These concluding words, however, "according to the covenant," were not inserted till after a warm debate.

The commissioners from the Scottish parliament, charged with the communication of the late resolutions of that parliament to the king, arrived in Newcastle in the month of January. They pressed him urgently for compliance, telling him that it would produce more joy among the people of both kingdoms than ever was seen at any coronation; but he only wasted their time with captious questions, which were more calculated to provoke distrust than to answer any useful purpose. On the 14th of January, when the Scottish commissioners waited upon him, he gave them the following queries in writing, requiring to be satisfied upon them before he gave his answer to the resolutions of their parliament. "It is," said the king, "a received opinion by many, that engagements, acts, or promises of a restrained person are neither valid nor obligatory: how true or false this is, I will not now dispute; but I am sure, if I be not free, I am not fit to answer you or any propositions; wherefore you should first resolve me in what state I stand (as in relation to freedom) before I can give you any other answer. The reason of this my question the governor can best resolve you. But if you object the loss of time and urgency of it, certainly in one respect it presses none so much as myself, which makes me also think it necessary that I be not to seek what to do when this garrison shall be surrendered up, to demand of you, in case I go into Scotland, if I shall be there with honour, freedom, and safety, or how? Being ready to give you a farther and more particular answer, how soon you shall have resolved these two queries." After three hours' hesitation, the Scottish commissioners found themselves at last under the necessity of replying in terms which could leave no doubt of the position in which the king now stood. The reply was given in writing as follows:—"To the first, in what state you stand, as in relation to freedom, the parliaments of both your kingdoms have given such orders and directions as they have thought fittest for the good and safety of your majesty and the kingdoms, to the general and governor. To your majesty's second query, of your going into Scotland, we shall humbly desire, that we may not now be put to give any answer; but if your majesty shall either deny or

delay your assent to the propositions, we are in that case to represent to your majesty the resolutions of the parliament of England." The king replied, "I know very well that the general and governor have received orders concerning me; but the question is, into what state those orders put me in (as relating to freedom)? to which you have either power to answer, or not; if you have, then answer me; otherwise send to those who can: and so for my second query." With this rude answer only, which amounted to a defiance of the Scottish parliament, the commissioners returned to Edinburgh.

The king was not now destined to remain long in doubt as to his own position in the midst of these momentous events. On receiving the report of their commissioners, the parliament proceeded at once to the question of delivering up the king's person to the English, which met with opposition only from a few of Hamilton's friends, who protested warmly against the betrayal of their king into the hands of his enemies. It was represented on the other side, that they were committing the king in charge to fellow-subjects who were equally interested in his welfare with themselves; that they had demonstrated their loyalty and affection, by using every endeavour in their power to induce his majesty to comply with the universal wishes of his people; that they had preserved the covenant unbroken, and if his majesty would allow its obligation on the kingdoms who had sworn to observe it, all Scotland would rise in his behalf, and even the sectaries would not dare to oppose his return to the throne. In reply to the reproach of ingratitude to the king for his concessions to them in 1641, they replied that his granting on that occasion what they knew he meant to recall, was only an insidious bribe to obtain their aid against the liberty and religion of their brethren; and the confidence he pretended now to have placed in them was evidently only a choice of evils, his alternative being to capitulate to sir Thomas Fairfax at Oxford, or to surrender to lord Leven at Newark, and if he preferred the last, it was only because he hoped to find therein the means of kindling a new war. The question was then put that they should leave the king in England to the two houses there, and was carried in the affirmative by an overwhelming majority, Hamilton and his brother Lanark protesting solemnly against it.

The estates of Scotland immediately ad-

dressed a letter to the English parliament, acquainting them with their vote, and they sent along with it the following declaration:—

"Whereas it pleased God to join the kingdoms of Scotland, England and Ireland, in solemn league and covenant, for reformation and defence of religion, the honour and happiness of the king, and their own peace and safety; and in pursuance thereof the Scottish army being in the kingdom of England, the king's majesty came to their quarters before Newark, and professed he came there with a full and absolute intention to give all just satisfaction to the joint desires of both kingdoms, and with no thought either to continue this unnatural war any longer or to make division betwixt the kingdoms; but to comply with his parliaments and those entrusted by them, in everything for settling of truth and peace; and that he would apply himself totally to the counsels and advices of his parliaments; which he did not only profess verbally to the committee of estates with the Scottish army, but also in his several letters and declarations under his hand to the committee of estates of Scotland, and unto the two houses of the parliament of England respectively. In confidence whereof, and of the reality of his intentions and resolutions, which he declared did proceed from no other ground than the deep sense of the bleeding condition of his kingdoms, the committees of the kingdom of Scotland and general officers of the Scottish army declared to himself, and to the kingdom of England, their receiving of his royal person to be on these terms (which is truth, notwithstanding what may be suggested or alleged to the contrary, by any within or without the kingdoms), and represented to him that the only way of his own happiness and peace of his kingdoms, under God, was to make good his professions so solemnly renewed to both kingdoms. Thereafter, not only were propositions of peace (which after serious and mature deliberation were agreed upon) tendered to him in the name of both kingdoms for his royal assent thereunto; but also the chief judicatories of this kingdom, both civil and ecclesiastic, made their humble and earnest addresses to his majesty by supplications, letters, and commissioners for that end, and did freely represent all the prejudices and inconveniences of the delay or refusal of his assent, and in particular that this kingdom would be necessitated to join with the kingdom of England, conform to the league and cove-

nant, in providing for the present and future security of both kingdoms, and settling the government of both, as might best conduce to the good of both. And the parliament of Scotland being now to retire their army out of England, have again, for their further exoneration, sent commissioners to represent their renewed desires to his majesty, with the danger may ensue by his delay or refusal to grant the same, and that till then, there was danger to the cause, to his majesty, to this kingdom, and to the union betwixt the kingdoms, by his coming to Scotland; and that therefore there would be a joint course taken by both kingdoms concerning the disposal of his person, and considering that his majesty by his answer to the propositions of peace in August last, and also by his late message sent to the two houses, and by his warrant communicated to the estates of this kingdom, hath expressed his desire to be near his two houses of parliament; and seeing also the parliament of England have communicated to the Scottish commissioners at Newcastle, and by them to this kingdom, their resolution that Holmbyhouse, in the county of Northampton, is the place which the houses think fit for the king to come unto, there to remain with such attendants about him as both houses of parliament shall appoint, with respect had to the safety and preservation of his royal person, in the preservation and defence of the true religion and liberties of the kingdoms according to the covenant. Therefore, and in regard of his majesty's not giving a satisfactory answer to the propositions as yet, and out of their earnest desire to keep a right understanding betwixt the kingdoms, to prevent new troubles within the same, to satisfy the desire of his majesty, of the two houses of the parliament of England, and of this kingdom, for his residence in some of his houses near the parliament of England; the estates of the parliament of the kingdom of Scotland do declare their concurrence for the king's majesty's going to Holmbyhouse, or some other of his houses in or about London, as shall be thought fit, there to remain until he give satisfaction to both kingdoms in the propositions of peace; and that in the interim there be no harm, prejudice, injury, nor violence done to his royal person; that there be no change of government other than hath been these three years past; and that his posterity in no ways be prejudiced in their lawful succession to the crown and government of these kingdoms.

And as this is the clear intention and full resolution of the kingdom of Scotland according to their interest and duty in relation to the king's majesty, so they are confident (from the same grounds and manifold declarations of the parliament of England) that the same is the resolution of their brethren; and at such a time they expect a renewed declaration thereof, and that they will give brotherly and just satisfaction to the desires herewith sent. Like as the kingdom of Scotland do hereby assure their brethren of England, that it shall be their constant endeavour to keep, continue, and strengthen the union and peace betwixt the kingdoms according to the covenant and treaties." "The desires of the kingdom of Scotland," sent in writing with this declaration, were, "1. That a committee of both kingdoms be appointed to attend his majesty, and press him further for granting the propositions of peace, and in case of his refusal to advise and determine what is further necessary for continuing and strengthening the union between the kingdoms, according to the covenant and treaties; and that no peace nor agreement be made by either kingdom with the king, without the other, according to the late treaty betwixt the kingdoms. 2. Next it is desired, that such of the Scottish nation as have place or charge about the king (excepting such as stand excepted in the propositions of peace), may attend and exercise the same; and that none shall be debarred from having access to attend his majesty, who have warrant from the parliaments of either kingdom respectively, or from the committee of either parliament thereunto authorised. 3. It is desired that the one kingdom assist the other, in case they be troubled from within, or from without, for this agreement. 4. That the kingdom of England would speedily condescend and agree upon some competency of entertainment for the forces which we are necessitated to keep up to suppress the Irish rebels, whom by the large treaty they are bound to suppress."

In the letter which accompanied these papers, the Scottish parliament had urged their resolution as a proof "how desirous they were to remove all jealousies, for strengthening the peace and union, and maintaining a good understanding between the kingdoms." The parliament of England replied as follows:—"A letter from your lordships dated at Edinburgh the 16th instant, and the papers therewith sent, hav-

ing been communicated to both houses of the parliament of England, we are commanded to return this answer. They do answer their brethren of Scotland, that nothing needs to be said unto them, for removing any jealousies out of their hearts, or for strengthening that confidence which they have in the affections of that nation; and they do presume that the proceedings of the houses of the parliament of England, from the very beginning of these troubles, are a sufficient declaration of their integrity and of their constant affection to their brethren of Scotland. And as to the desires of the kingdom of Scotland, they do return these answers. To the first, that when the king shall be at Holmby, and the Scottish forces gone out of this kingdom, both houses of parliament (saving according to their former declarations the peculiar rights of the kingdom of England) will then appoint a committee of theirs, to join with a committee of the kingdom of Scotland, to employ their best endeavours to procure his majesty's assent to the propositions agreed on by both kingdoms and presented to his majesty at Newcastle, and to the disposing of the bishop's lands, according to the ordinances already passed both houses in that behalf. And in case the king shall not give his assent thereunto, however the houses are still resolved firmly to continue and maintain the happy union between the two kingdoms, according to the treaties and covenant; and that according to the late treaty between the kingdoms, no cessation, nor any pacification, or agreement for peace whatsoever, shall be made by either kingdom, or the armies of either kingdom, without the mutual advice and consent of both kingdoms. To the second desire, both houses do declare, that it is not their intention, by their appointing of persons to wait upon the king in his journey to Holmby, to make a settlement of any persons in any particular places, nor to be any prejudice to any of the king's servants that are of either nation who have adhered to the parliaments; and that none shall be debarred from having access to his majesty who have warrant from the parliament of Scotland, or from the committee of that parliament thereunto authorised, except

such as are disabled by the propositions agreed on by both kingdoms. To the third desire, the coming of the king according to the votes of both houses of the parliament of England, being agreeable to the covenant and treaties, they do declare that upon any troubles that shall arise to the kingdom of Scotland for the same, they will assist them according to the said covenant and treaties. To the fourth and last desire, both houses return answer that their garrisons being delivered up, and the Scottish army and forces being marched out of this kingdom, they will take this their desire into speedy consideration." This letter was dated on the 27th of January, and was signed by the speakers of the two houses.

The king, who had been elated in the highest degree when Hamilton and his friends surprised the parliament of Scotland into a vote in his favour, had been much dejected at the course which events had since taken, and had entertained vain projects of making his escape to the continent. Throughout the whole of these proceedings, after he went to their army, the Scots appear carefully to have avoided giving any reason for reckoning on their protection, unless he agreed to the propositions, and he must have seen the probable consequences of his refusal; yet, when first apprised of the vote of the Scottish parliament to deliver him to the English, he is said to have exclaimed, "Then I am bought and sold!" He was now, however, left no longer in suspense. The English parliament had raised the sum of two hundred thousand pounds upon the bishops' lands, which they sent off in thirty-six carts, under a strong escort, on the 16th of December. On the 5th of January, and during nine or ten following days, the money was counted out to the Scots at York; and a formal receipt was given for it on the 21st. On the 30th the Scottish army left Newcastle on its march back to Scotland, and on the same day the king was delivered to the commissioners of the English parliament, who were, the earl of Pembroke, with two lords and six commoners. He was conducted to Holmby-house by an escort, or guard, of nine hundred horse.

CHAPTER XVIII.

PROCEEDINGS IN THE NORTH; THE KING'S RENEWED INTRIGUES; THE ENGAGEMENT; HAMILTON'S INVASION OF ENGLAND, AND DEFEAT; TRIAL AND EXECUTION OF THE KING.

WHEN the army returned to Scotland, it was immediately reduced to about six thousand men, who were placed under the command of David Leslie, and sent to the north against the anti-covenanters who were still in arms there under the Gordons and under Macdonald. Before the end of March, Middleton had taken the castle of Strathgogie by storm, and above twenty of the prisoners, who are termed "the inhumane rebels" (no doubt, Irish), were hanged. The animosity against the Irish invaders was so great, that whenever they were taken, they were carefully selected from the other prisoners, and shot or hanged without mercy. The marquis of Huntley had escaped, but he was closely pursued by the victorious covenanters. The castle of Auchindoun surrendered to Leslie immediately afterwards, and other houses of the Gordons were taken by storm or by composition. Before the end of April, the insurrection of the Gordons had been so far reduced, that Leslie drew off his army to proceed against Macdonald, who with his Irish and highlanders was committing dreadful ravages in Argyle. Macdonald retreated from Argyle, and, as Leslie approached through Badenoch to Kintire, surprising on his way the strong passes of the country, he fled precipitately to Isla leaving a garrison at Dunavertie. Nor did Macdonald think himself safe in Isla, but, leaving a garrison of two hundred men, under his father colonel Kettoch, in the castle of Duneveg, he proceeded with the rest of his followers to Ireland, and landed with them in Ulster at the beginning of June, where he was subsequently slain in battle. The outworks of Dunavertie having been carried by assault, the garrison, entirely deprived of water, was obliged to surrender at discretion, and nearly two hundred Irish were put to death, the rest of the prisoners being sent to serve in the wars in France. Isla itself was next invaded, and, after a rather protracted resistance, Duneveg castle surrendered, and the prisoners were likewise sent to France, with the exception of the officers, who were released on their parole. The capture of Isla was followed quickly by the submission of the other islands, and the

north of Scotland was thus restored to a tolerable state of tranquillity.

Meanwhile events of much greater import had taken place in England. On the 4th of June, the king had been taken from Holmby by a detachment from the English army, and carried to Newmarket, and he was subsequently carried with the army in its various movements. Charles eagerly seized the liberty allowed him by the army, and the dispute between that body and the presbyterians, who had gained the mastery in parliament, to return to his secret intrigues, plotting again on the one hand to bring in the Irish, while on the other he was attempting his old dangerous policy of playing off the two great parties in England against each other by making insincere promises to each. As the prospect of dissension and confusion increased, he became so elated, that he imprudently treated with open contempt the very party in whose hands he was a prisoner, and only attempted to remedy his error when it was too late to do so with success. In fact he was now contemplating a renewal of the horrors of war for the precarious chance of becoming eventually sole umpire in the contest, for which purpose he had contrived to enter into a secret correspondence with the duke of Hamilton, who was to induce the Scots to join with the English presbyterians against the English army, which was commanded by the independents. The Scots, who at this moment were extremely chagrined not only at the increasing power of the independent party in England, but at the lukewarmness which they thought the English had shown towards the covenant, and at the little value which they seemed to set on their services, were brought without difficulty to listen to his proposals. They had manifested their strong disapproval of the seizure of the king by the army, by sending the earl of Lauderdale to protest, in their name, against it, and they were now hesitating and discussing among themselves as to the manner in which they might interfere.

Encouraged by these symptoms of discontent, the king wrote to the earl of Lanark, directing him and his brother to proceed to

London, and act in concert with the Scottish commissioners. Lanark, in reply, candidly told him that he must expect no effective service in Scotland unless he first took the covenant without reserve, and advised him either at once to go the whole length he intended to go, or to make his escape to the continent. But Charles was far too much elated by the prospect of disunion among his opponents to listen to prudent suggestions like these, and he reiterated his desire that Lanark should join the Scottish commissioners. After considerable, and rather warm discussion, the committee of estates agreed to give Lanark and Loudon, the chancellor, commissions to the south, while Lauderdale did his best to persuade the king and the English presbyterians from yielding to the army. In the month of October, when the king was carried to Hampton-court, a clandestine treaty began between him and the Scots, who urged that, while it remained in his power, he should make his escape from the army, and take refuge in Berwick, as a convenient place for carrying on his intrigues with his friends in both kingdoms. This he promised to do, and in accordance with his promise, effected his escape, but instead of directing his flight to the north, he proceeded to the earl of Southampton's house at Titchfield in Hampshire, whence he passed over to the Isle of Wight, and became a close prisoner in Carisbrook-castle.

The flight of the king to the Isle of Wight was not only contrary to the wishes of the Scots, but at the same time he acted another piece of duplicity and cross-policy which was not calculated to conciliate them. At his departure from Hampton-court, he left behind him a letter addressed to the parliament in a tone which seemed to show that he thought he had effectually escaped from the hands of his enemies; but when he found that he had only changed one prison for a worse, he addressed another letter to the parliament, containing such proposals as he calculated would deceive them. Though he refused to abolish the office of bishop, yet he said he was willing that it should be so limited as not to be "grievous to the tender consciences of others." He refused his consent to the alienation of church-lands, because he considered it "a sin of the highest sacrilege;" but on the other hand, "considering the great present distempers concerning church discipline, and that the presbyterian government is now in practice," he

was content, for the satisfaction of the two houses, that the said government be legally permitted to stand in the same condition it now is for three years. He was willing to resign the militia to the disposal of the two houses of parliament during the rest of his reign. He offered further, to pay the arrears due to the army; to guarantee liberty of conscience; to pass an act of oblivion; and to compound for the abolition of the courts of wards and liveries. Conscious that these proposals would be extremely offensive to the Scots, the king wrote to the earl of Lanark, and gave an excuse for them which implied that he never intended to fulfil these promises, but that he expected, by making them, he should obtain the consent of the parliament to a personal treaty. These excuses, however, gave no satisfaction to the Scottish commissioners, who complained of his imprudence in throwing himself into a place where the difficulty of rendering him any service was considerably increased. The English parliament was quite as little satisfied with the king's proposals as the Scots; and suspecting, if not knowing, his intrigues with the Scots, they agreed on four propositions which the king was to be required to consent to, before they would proceed to any further treaty. These propositions were, "that a bill be drawn up by consent of both houses, for his majesty to pass into an act for the settling of the militia of the kingdom; that a bill be passed for his majesty's calling in of all declarations, oaths, and proclamations against the parliament and those who have adhered to them; for passing an act that those lords who were made after the great seal was carried to Oxford, may be made incapable of sitting in the house of peers thereby; that power may be given to the two houses of parliament to adjourn as the two houses of parliament shall think fit."

The Scottish commissioners opposed these propositions in every possible way while they were passing through the house, and would have continued to do so after they had passed, but the two houses refused to communicate with them any further on the subject, alleging that it was contrary to the usage and privilege of parliament to communicate to foreigners anything which waited the royal consent, before that consent was obtained. They, however, desired the commissioners to prepare any propositions they thought fit for Scotland, and promised that they should be presented at the same time. A new question

for dispute with the Scots was thus raised, and they sent to the houses a declaration against the four propositions, or bills. They acknowledged that there were some things which properly concerned the kingdom of England, and the rights, laws, and liberties of Englishmen. "But," they added, "there be other matters which in their own nature, as being common to both, or by covenant or treaty, concern both kingdoms; wherein, unless we should forget our duty to God, to the king's majesty, to our native kingdom, and to this nation, our common concernment and interest cannot be denied. For as Scotland was invited and engaged in this war upon grounds and reasons of common interest, so we trust it will not be offensive, that in making peace we claim for the house an improvement of the very same principles, and a performance of the treaties they have made with us; that the same measure of conjunction of interests be given to us, which was had of us and promised unto us; wherein the very laws of nations and the rule of common equity do plead for us. Yet in the application of this rule, we shall not stretch ourselves beyond our line, the express condition of our solemn league and covenant, the duty of our allegiance, and the treaties and declarations between the kingdoms, which are so many strong obligations, as all who have honour or conscience must acknowledge should be inviolably observed." After this preamble, the commissioners, who sent their particular objections to the propositions in a separate paper, urged that the best way to obtain a well-grounded peace was by personal treaty, without previous conditions, and that the king, for that end, should be invited to come to London with honour, freedom, and safety. The parliament resented the tone of this remonstrance, and proceeded in their own course.

While this dispute was going on, the king, believing that his secret intrigue with the Scots was not suspected, urged them to enter into an immediate engagement with him, and pressed them to repair to the Isle of Wight for that purpose. He was the more confirmed in the secret policy he was thus pursuing by the representations of the earl of Traquair, who about this time arrived from Scotland, and assured him that almost all Scotland was ready to rise in assertion of the rights of the crown. The four propositions were presented to the king at Carisbrook on the 24th of December, 1647, and he promised to take them into consideration,

and give an answer in a few days. Next day, the Scottish commissioners, who had followed the commissioners of parliament, under the pretext of protesting against the propositions, but in reality to conclude the engagement with the king, obtained an audience, and delivered to him a declaration to the effect, "That they had endeavoured by all ways and means to the parliament of England, for furthering a happy peace; but having seen the propositions, and understood of bills brought to his majesty, which they apprehended prejudicial to religion, the crown, and the union between the kingdoms, they therefore, in the name of the kingdom of Scotland, declared their dissent." The king received this declaration without any remark, but the Scottish commissioners had a private conference of four hours with the king, at which a treaty, or engagement, was concluded which could not but be disastrous to the king's cause. In a preamble, Charles declared his belief in the reality of the professions of those who had signed the solemn league and covenant for the preservation of his person and authority, and that they had no intention of diminishing his power and greatness. In consideration of this, he agreed to confirm that deed, as soon as he could with freedom, honour, and safety, be present in a free parliament, provided that none should be constrained to take it against their will. He engaged further to confirm, by act of parliament, presbyterian church-government in England for three years; during which time the assembly of divines, assisted by twenty other divines whom he should nominate, and in conjunction with himself and the two houses of parliament, should deliberate on the form of church-government to be finally established as that most agreeable to the word of God. He engaged that effectual means should be taken by act of parliament for suppressing schism and heresy, the opinions of the arians, socinians, independents, anabaptists, separatists, and seekers, or any others destructive to order and government or to the peace of the church and kingdom. He promised to procure for the Scots the freedom and privilege of trade with England and Ireland, and to pass an act that the natives of all three kingdoms should be capable of any incorporation, trade, or society in either, that Scotchmen should be capable of all places, faculties, professions, and benefits, within the two kingdoms, the natives of which should enjoy equal privileges with them, and that a part of the Eng-

lish fleet should be appointed to guard and protect the Scottish commerce. In return for these concessions, the Scottish commissioners, on their part, engaged to raise an army in Scotland, to be sent into England for the preservation and establishment of religion, for the defence of his majesty's person and authority, and to restore him to his government and to the just rights and full revenues of the crown. They also agreed that all such in the kingdoms of England and Ireland as would join with the Scots in carrying out this engagement, should be protected in their persons and estates; and that all these might come to the Scottish army and join with them, or else put themselves in other bodies, in England or Wales, for the prosecution of the same ends, as the king should judge most convenient, and under such commanders and generals of the English nation as he should think fit to appoint. The original of this treaty was enclosed in lead, and buried in the garden, that it might be sent after the commissioners to London by a safe conveyance; for it was feared that they might be searched on their departure from the Isle of Wight or on their road to the capital.

A treaty like this was too evidently insincere to be productive of good results. The king calculated no doubt on the chance of being placed by a new war in a position in which he could disregard his former engagements, and some at least of the commissioners only exacted them because they knew that at present nothing was to be done without them. But nobody could, one would think, have imagined that the Scottish presbyterians in general would have been willing to accept the condition which stood most prominent in their engagement—an alliance with the Irish papists and the ultra-royalists and episcopalians in England. The immediate consequence of the engagement in England was fatal to the king, who, prevented by the vigilance of his keepers from making his escape, which was one part of the plan, was deprived of his own servants and more strictly guarded than ever; while the English parliament, getting information of the secret treaty with the Scots, ceased all further temporising, and passed a resolution to treat no further with the king, whom they virtually deposited.

Scotland itself was at this time in a very divided and distracted condition. The king's friends had kept up a continual agitation, and by spreading false or exaggerated re-

ports of ill-treatment to which the king was exposed, and by other methods of irritation, they contrived to raise a strong feeling for him personally and against the English parliament. Thus a large part of the Scottish people were deceived by the representations of Hamilton and by the declarations of Traquair, that the king had given the fullest satisfaction to their commissioners, and the hostile feeling against the English parliament became general. A large portion of the staunch covenanters, however, who remained steady to their principles, were not so easily deceived, and these looked with suspicion upon the whole proceedings of their commissioners in England. This party was headed by the marquis of Argyle, and numbered among its chiefs Balmerino, Couper, Cassillis, Eglintoun, Lothian, Arbuthnot, Torphichen, Ross, Burleigh, and Balcarras. The greater part of the nobles followed Hamilton, Lanark, and Lauderdale, and were joined by that portion of the kirk who were most intolerant of the sectaries, and would have restored the king without any guarantees for civil liberty, if he would have promised security to their form of church-government and severe measures against the independents. These had received the title of the political presbyterians. The third, or extreme royalist party, was headed by Traquair and Callendar, and despised equally the liberty or the religion for which the two other parties contended, seeking only to restore the king to power unconditionally. Some of the ministers, especially Guthrie, Colville, Ramsay, and Fairfoul, supported even these extreme royalists. As a further complication of matters, Montreuil, the French agent, was in Scotland busily plotting and intriguing, and actually embarrassing the king's best friends, by raising doubts of their integrity.

The commissioners returned to Edinburgh in the February of 1648, but the ministers, who generally supported Argyle's party, had already proclaimed loudly from the pulpit their distrust. The committee of the estates, and that of the kirk, met to receive their report, and Loudon, who had been gained over to the Hamiltonian party, gave an account of their proceedings in England. He stated that, on their arrival in London, they communicated the message to the king with which they were charged to the two houses of parliament, who received them courteously, but informed them that his majesty had been taken away from Holmby-house

against his will by the army. They next repaired to the army, where they found the king enjoying greater liberty than at Holmby, but distrustful of the promises of those who now had him in their power. They besought him, with all humility and earnestness, to give just satisfaction to the desires of the parliaments of both his kingdoms, that religion and peace might be settled, and himself restored to his rights and government. To this he replied, that he had sent many messages to the two houses for that end, but had received no answer; nevertheless, he declared that no contempt put upon him, nor personal suffering, should make him neglect any opportunity that might ensure the blessings of a well-grounded peace. This, according to Loudon, was the sum of what passed at the first interview. In a second, the king told them that the party who were now most powerful in England aimed at the entire ruin of religion and monarchy; upon which they assured him that, whatever might be the intention of others, the Scots had no other design in their engagements than the reformation and preservation of religion, the honour and happiness of the king and his posterity, and the peace and prosperity of the kingdoms, and they promised to urge the two houses to fulfil these engagements by restoring him to his just rights. They at the same time made pressing instances to his majesty that, if they made their applications upon these grounds, he should give them and the kingdom satisfaction. They advised him, in case the English should relinquish their covenant, break their treaties with Scotland, set up a toleration of all religion, cast off the king, and change monarchical government, to throw himself upon the Scots, and satisfy their just desires respecting religion, which they said was the only safe foundation of peace; and if he did this, they were confident that his subjects of Scotland would apply their whole power to restore him to his just rights. "More particularly," said Loudon, "we pressed the confirming of the covenant, the establishment of presbyterial government, and that the king would not admit of a toleration of all the abominable heresies and horrid blasphemies now professed in England under the notion of religion, and had long and earnest debates with his majesty upon these heads; yet told him that we could not enter in any way of treaty or capitulation with his majesty by ourselves, without the joint concurrence of the houses, unless they departed

from their former principles, and relinquished their conjunction with Scotland. After our return to London," Loudon continued, "we received the propositions the same day that the king made his escape from Hampton-court; but upon taking them into consideration, we found in them material alterations, and essential differences from the former propositions, contrary to the ends of the covenant, destructive of religion, the king, and union of the two kingdoms; and, in a meeting with their committee at Derby-house, we desired that they would not give just cause of resentment to Scotland, by slighting their desires and just interests. But no entreaty nor persuasion of ours could prevail so far as to procure a meeting or conference; and when they resolved to present their bills to the king without us, we were forced, on behalf of this kingdom, to enter our dissent; and finding clearly that the desire of the bills was to establish by law the power of the sword perpetually in the hands of that army of sectaries, and to bind the subjects by a law to maintain and pay them, and to adjourn the parliament to be movable and to go where the army pleased, without settling religion or restoring the king; and only upon granting of these bills, they would enter upon a personal treaty with the king upon the remainder of the propositions;—by which propositions, they desire the establishment of toleration instead of uniformity, and breaking off that conjunction which by covenants and treaties was bound up between the two kingdoms;—we conceived that we had more than reason to try what length the king would come, for the preservation and settlement of religion, and for his own and his kingdom's safety." Having thus artfully worked upon the spirit of religious intolerance which so strongly characterised the presbyterians, with considerable success, Loudon, in another speech, explained and excused the conditions of the engagement with the king. To these, although the commissioners of the estates were not unwilling to admit them, those of the church were strongly opposed, and they did not conceal their aversion to the proceedings of the lords in England. Each party appointed a few of their number to consult together, but their meetings were long and discordant, and the opposition was encouraged by a deputation from the English parliament, consisting of the earls of Nottingham and Stamford, Messrs. Ashurst, Stapleton, and Godwin, colonel Birch, and

two ministers, Mr. Herle and Mr. Marshall, who had arrived in Scotland nominally to settle about a hundred thousand pounds of arrears still due to the Scottish army, but really to watch the intrigues that were going on and encourage the party of the earl of Argyle. The first question which arose between the committees of the estates and the kirk was whether the king should be restored before he signed the covenant, which was debated with much warmth, and was at last only evaded by an ambiguously worded resolution, "That religion and the covenant be first settled, and the king restored." The next question was far more difficult to arrange,—whether the malignants should be admitted to bear commissions in the army. The commissioners of the kirk met this with a resolute negative, for they saw that, in yielding it, they transferred the military force of the kingdom from themselves to the king, without obtaining any substantial assurance for themselves.

On the 2nd of March, the term appointed bylaw, the Scottish parliament met. Through the management of Hamilton, the party of the political presbyterians was in large majority, which was shown first in the decision of all contested elections, in favour of the Hamiltonian party, and secondly in the appointment of a secret "committee of danger," entrusted with powers to manage public business and watch over the safety of the kingdom, from which the covenanters were carefully excluded, with the exception of Argyle and one or two others, whom Hamilton artfully introduced, that he might profit by their names without allowing them any influence to make their opposition effectual. One of the first subjects brought before the estates was the declaration of the commissioners of the kirk, which it was resolved should be suppressed, but the commissioners, who had already caused it to be printed, persevered in its publication, and, when the estates refused to give them an assurance that they did not intend to go to war with England, they ordered it to be read next Sabbath-day in all churches. The proceedings of the Hamiltonian party, who had determined on war, were now of the most unjustifiable character. They began by obtaining a vote of the parliament for surprising the castles of Berwick and Carlisle, which had been, in accordance with the treaty between the two kingdoms, left without garrisons; and this was to be done without any declaration of war, on the pre-

text that they were not going to make war upon England, but to assist in reducing the sectaries. Argyle, Eglintoun, Lothian, and about fifty others, entered a firm protest against this vote, and they were joined on this occasion by their old friend Loudon. The advocates of this measure had attempted to silence the scruples of the commissioners of the kirk by promising them privately that malignants should not be admitted into the army, and that no hostile attempt should be made upon Berwick; but their eyes were not closed to what was going on, and they now presented to the parliament a paper in which, under the title of "the desires of the commissioners of the kirk," they required, "That the grounds and causes of the war might be shown to be so clear, that all who were well affected might be satisfied respecting the lawfulness and necessity of the engagement, and that no act of hostility should be undertaken until these were made manifest; that as the breaches of the covenant by the prevailing party of sectarians were evident, the parliament would, as required by treaty, particularly declare what are those breaches of peace which they take to be ground of war, that reparation thereof might be sought, that there might be nothing assumed as a ground of quarrel that would give offence to the presbyterian party in England, who continued firm to the covenant; that the popish and prelatical faction should be as little associated with as the sectaries; that his majesty's concessions respecting religion should be declared unsatisfactory, and his adherence to the covenant be had by oath under his hand and seal; that, for securing religion, only such persons may be appointed in the committees as had hitherto given constant proof of their integrity and faithfulness in the cause; and that there should be no engagement without a solemn oath, wherein the church might have the same interest that they had in the solemn league and covenant, the cause being the same." The opposition of the church commissioners obliged the Hamiltonians to make some modification in their plans. Instead of carrying out the vote relating to Berwick and Carlisle, it was arranged that those two important posts should be seized by sir Marmaduke Langdale and sir Phillip Musgrave, two old commanders for the king, who were to raise the royalists in the north of England and join the Scottish army when it crossed the border: they had repaired to Edinburgh to consult with

Hamilton, and as soon as this plan had been settled, they returned to England, collected their followers secretly, and suddenly seized upon Berwick and Carlisle at the end of April, as though in concert with a royalist insurrection in England unconnected with the Scots. So much duplicity was employed on this occasion, that, as soon as news of the capture of Berwick and Carlisle arrived in Edinburgh, a commission was issued to the committee of danger, directing them to see that no mischief should arise to the kingdom from the garrisoning of those places by malignants or sectaries, and an answer of the most conciliatory description was returned to the "desires" of the church commissioners next day. This was followed by the appointment of a conference between a deputation of the commissioners of the kirk and the committee of danger, for the avowed purpose of agreeing upon the grounds of an engagement of such a nature that the whole nation might be united in it. But this conference had no sooner met, than the commissioners of the kirk saw that the proceedings of the others were so full of deception, that they declared their dissatisfaction and broke it off. Some of the more violent of the duke's party, urged him, since the parliament was in his own power, to adopt strong measures against the kirk, and commit some of the leading ministers to prison; but this advice was not in character with Hamilton's temper, and he preferred the more insidious policy of gradually working upon the prejudices of the ministers, by exciting their jealousy of the sectaries, and representing to them the danger with which they were threatened by their military predominance in England. A series of resolutions were accordingly presented to the estates, and, after much debate, agreed to. In these resolutions they enumerated the various breaches of the covenant of which England had been guilty, stating that "instead of reformation and defence of religion, that reformation which by the covenant ought to be endeavoured was resisted and hindered; instead of the extirpation of prelacy, heresy, and schism, these two last especially, although encroaching on and even offering violence to the rights, privileges, and authorities of magistracy, were preserved and tolerated. In the proposals of the army, episcopacy was hinted at; and in the new propositions, an almost unlimited toleration of heresy and schism was endeavoured to be settled, under which, most

horrid blasphemies were openly professed. Notwithstanding it had been ordained that the solemn league and covenant should be taken by both kingdoms, yet, through the prevalent party of the sectaries and their adherents, this was not only laid aside, but, on the contrary, many persons of eminent and public trust in the army and in the country had never either taken or been urged to take it. The treaty was violated in sending bills and propositions to the king, not only without the consent of Scotland, but contrary to the express declaration of the Scottish commissioners. Notwithstanding the engagement of the houses, that none having warrant from Scotland should be debarred from access to the king, yet the earl of Lauderdale, a public minister, was, contrary to the law of nations, debarred and publicly removed from Woburn, where his majesty then was, and not suffered to have access to him, nor, when reparation was desired by the estates, was there any given, and they had laid claim to the sole disposing of the king's person in England. In consideration of all which, they conceived religion, the king, monarchical government, and the privileges of parliament, to be eminently wronged, and in danger to be ruined; and that, if the army of sectaries and their adherents should still prevail, the kingdom of Scotland could not expect security from them, who had been the underminers and destroyers of religion, liberty, and the covenant in England."

Having succeeded in this point, the Hamiltonians proceeded to draw up a series of demands, which were to be of such a kind, and expressed in such a tone, that the English parliament would not be likely to grant them, and at the same time to contain matter in which the covenanters would agree. These demands were, "1st. That an effectual course be taken by the houses for enjoining the covenant to be taken by all the subjects of the crown of England, conform to the treaty and the declaration of both kingdoms, 1643, by which all who would not take the covenant were declared to be public enemies, and to be censured and punished as professed adversaries and malignants; and that reformation of and uniformity in religion be settled according to the covenant; that, as the houses of parliament of England have agreed to the directing of worship, so they would take a real course for practising thereof by all the subjects of England and Ireland; that the confession of faith, transmitted from

the assembly of divines at Westminster to the houses, be approved, and the presbyterian government, with a subordination of the lower assemblies to the higher, be fully established in England and Ireland; and that effectual course be taken for suppressing and extirpating of all heresies and schisms, particularly socinianism, Brownism; anabaptism, erastianism, and independency, and for perfecting of what is yet farther to be done for extirpating popery and prelacy, and suppressing the practice of the service-book, commonly called the Book of English Common Prayer. 2nd. That the king might come, with honour, freedom, and safety, to some of his houses in or near London. 3rd. That all the members sequestered from parliament, who had been faithful to the cause, might be permitted to return, and that the army of sectaries under sir Thomas Fairfax should be disbanded." These demands were presented to the English parliament on the 3rd of May, and were the subject of repeated debates in the two houses, which seemed desirous of acting towards the Scots as much as they could in a spirit of conciliation. The ministers, to whom these demands were communicated before they were sent to England, did not conceal that, though there was nothing in them which they absolutely disapproved, they looked upon them with the greatest distrust. They complained that the omissions were matters of greater importance than what was inserted in the demands; that there was great talk of making the subjects take the covenant, but nothing said of imposing it upon the king and his household, and that he, in fact, appeared to be left free of any conditions.

The Hamiltonians, who were resolved on war at all hazards, followed up the demands which had been sent to England by peremptorily requiring an answer to be given within fifteen days, and by other proceedings in the same hypocritical style. In order to raise an army for the invasion of England, they obtained an act for enrolling all the fencible men in the kingdom, under the pretence that it was necessary to defend the peace against malignants and sectaries. They then issued a declaration to the people of Scotland, filled with the most violent protestations of zeal for presbyterianism. In this document they lamented over the sinful and dangerous violations of the solemn league and covenant by the prevailing party of the sectaries and their adherents in England, and pretended that if they should be forced

into a war by the two houses refusing, under the influence of the sectaries, to accede to their just demands, they should constantly bear in mind that their object was to settle truth and peace under his majesty's government, and they promised to be careful, while carrying on this pious work, not to enter into association and conjunction with those who should refuse to swear and subscribe the solemn league and covenant. They declared that so far from joining with the popish, prelatical, or malignant party, they would turn their arms against them, if they should attempt to obstruct any of the ends of the covenant, with the same resolution as against the sectaries. They solemnly declared that they would give trust in their committees or armies to none but such as were of known integrity, abilities, and faithfulness to this cause and covenant, and against whom there could be no just cause of exception. And having found his majesty's late concessions and offers concerning religion not satisfactory, they announced their resolution, before any agreement should be made with him, to require his majesty to give assurance by his solemn oath, under his hand and seal, that he should, for himself and his successors, give his royal assent to such acts of parliament as should be prescribed to him by the parliaments of either or both kingdoms, for enjoining the league and covenant, and establishing presbyterial government, directory of worship, and confession of faith, in all his majesty's dominions.

A declaration like this was calculated to astonish the king, and accordingly we find Lanark writing to him secretly to assure him that it was only intended for a blind to the covenanters, and that it was far from the intention of the Hamiltonian party to put it in execution. The covenanters, however, were neither blinded nor deceived as to the intentions of the party which had crept into power, and they drew up a calm and temperate reply to the declaration in a counter-declaration, in which they insisted upon the following heads:—"That it increaseth their fears, and they particularly take notice, there is no expression in this parliament's declaration of the continuance of monarchical government in his majesty's posterity. That the parliament mentions such as have abused them and the kingdom; and if they mean the malignants, how is it that they are now favourites? And in that the parliament takes no notice of the first occasioners of troubles, the kirk desire that it may be





Engraved by W. Pinson

JAMES, DUKE OF HAMILTON.

OB. 1649.

FROM THE ORIGINAL OF VANDYCKE IN THE COLLECTION OF

HIS GRACE THE DUKE OF HAMILTON.

observed who they were. And that malignants having taken the covenant, are now taken into councils, and chief men again; whereas they mentioned that malignants had been punished according to covenant in both kingdoms, and that the covenant was therein performed, they say they cannot but remember them of what favours and friendships have been granted to such. They say that it is true, the covenant hath been broke by sectaries, and so it hath by malignants abroad and at home; and true zeal for the covenant is to strike both ways. As for laying aside of the covenant in the bills sent to the Isle of Wight, they say it was so in the desires sent up to his majesty from the commissioners of estates in Scotland. As for denying my lord Lauderdale's access to the king, the commissioners of the kirk say, the general declared against it; and he had access several times after. As for a general taking the covenant, they say it hath been done by the representatives, and think it no ground of war, for time may bring the rest unto it; and because the ministers in the several counties in England have given large testimonies of their good will thereto. As for England's sending to the king without Scotland, they wish the contrary, but say it is disputable whether that be a breach of treaty and ground of war. They take notice of not only debating, but agreeing, by Scotland with the king at Newcastle without England. As for the three propositions or desires sent, they appear not that they pass so as if desired they were cause of war, because debatable, and yet not satisfactory to their desires; which was to have as a deduction; thence the cause was clearly stated; nor can war be grounded thereupon, because when the parliament of England were most free of sectaries, they did not suppress the Irish, enforce the covenant on all officers much less on all English subjects, nor would be obliged not to send propositions or bills without the concurrence of Scotland. This they say, because the parliament remitted this to them for satisfaction to their consciences. As for their pressing the covenant and directory upon the subjects, they take notice the king is not to be required the same, as suiting best with his majesty's desires, nor that any application be made for his majesty's consent; nor declares the parliament of Scotland, that the non-takers of the covenant shall be accounted enemies to the state; no, not those who have not taken it

to this day. They approve not that it be peremptorily desired, that the confession of faith sent from the divines at Westminster be approved, whereas they express it with caution. Lastly, the church desires that uniformity be endeavoured fairly in brotherly ways, which are now by the parliament's declarations turned into causes of war. For their desires of his majesty's coming to his house near London, before he have consented to anything, they conceive dangerous: First, all grants are suspended until then, and so a restitution to prove before anything granted; and so he may pass up and down, raise force, and draw the people to him, who lie ready prepared therefore; besides the influence he may have upon the houses. And whether his majesty be not restored to his honours by this means, before Jesus Christ be to his. And if it was declared in Scotland, it would not be safe his majesty come thither before he consented in matters of religion, &c., how can it be that he come to London? Besides, thus to challenge a dispose of his majesty in England by Scotland, will be displeasing to most that have appeared in this joint cause and quarrel, and will unite them all in opposition to Scotland. For the army being disbanded, which they like, yet they would see provision against popish prelacy and malignants rising in arms, already appearing in several places, as in Ireland and Wales; and if his majesty come to London, how easy it is for those that have adhered to him to regather about him. Lastly, the favour, countenance, and encouragement given by the parliament of Scotland to eminent English malignants, the ministers say, will sure hinder the disbanding the army in England. And farther, that the declaration stands aloof in answer to that, concerning what power they mean to put into his majesty's hands. And whereas it is said, his majesty shall pass such acts, they conceive it is better his majesty show good affection that way before restoration. As for the oath framed to be taken, they are not pleased with the exception, so far as is due to the church, nor what will be meant by it. And they conclude, they are not against a war, if the grounds of undertaking it be clear; nor is it out of affection to sectaries that they show their dissent, nor for want of tenderness to privilege of parliament, nor of sympathy with their brethren of England, but from tenderness in point of religion and union between the kingdoms,

and non-satisfaction with the declaration; and if, as the parliament promised, they will give all honest satisfaction in the grounds of the war, there is a door of hope yet open."

Nor were protests and declarations the only means of opposing the parliament which the church commissioners adopted, for, in spite of the menaces of the Hamiltonians, they directed the ministers to preach from the pulpit that the war was an ungodly one, which would bring upon them the high displeasure of heaven. The Hamiltonians, however, were not deterred in their proceedings. The earl of Leven resigned the command, and the duke of Hamilton took the place of commander-in-chief, and had the earl of Callendar for his lieutenant-general. It was the obsolete practice of distributing the commands in the army among the old nobility, and was destined to receive a rude reproof from the splendid military system that had been created by Cromwell and his more plebeian officers. David Leslie had refused the appointment of major-general of the horse, unless the church were first satisfied; but Middleton, with the troops under his command, consented to act under the duke of Hamilton. The ministers, however, had not preached in vain, and the war was so generally unpopular that it was found extremely difficult to raise recruits. After having passed an order that the law for forced levies should be carried into effect with the utmost rigour, the parliament adjourned from the 11th of May to the 1st of June, that the members might be present in their different counties to assist in enforcing obedience. The reluctance was so great, that it was necessary to drag people to the ranks by force, and the west of Scotland was so much agitated that it seemed on the eve of a general revolt. In Glasgow, six regiments of horse and foot were quartered on the magistrates and municipal officers and their friends, as a punishment for their dislike to the war, and are said to have cost them in a short time upwards of fifty thousand pounds Scots, "besides plundering." The disposition to rise was so general in Clydesdale, that it was found necessary to send thither the earl of Callendar, and Middleton, who assembled at Stewarton, on Monday the 10th of June, a force of ten thousand foot and sixteen hundred horse. The noblemen and gentlemen of Ayrshire, who had appointed a meeting to take into consideration the course they

should pursue, perceiving from the proximity of this force that it was useless to resist, sent to the men of Clydesdale to prevent a meeting which was to take place at Mauchline. The Clydesdale men, however, persisted in holding their meeting, and about twelve hundred horse and eight hundred foot, with eight ministers, mustered on Mauchline Moor on the day appointed. They had begun to choose officers, when the advanced guard of Callendar's army, under Middleton, appeared. The ministers immediately went to Middleton, and, after some parley, it was arranged that the meeting should be allowed to disperse peaceably, with the exception of those who had been named for soldiers and refused to join. When the ministers returned and announced this agreement to the assembled multitude, the men from Kyle and Cunninghame went away; but the Clydesdale men remained with the recruits, who refused to surrender. After an hour's discussion, Middleton ordered his men to charge them, and they fled, but a few of them took possession of a bridge, and disputed the passage with such resolution, that, though nearly forty were slain, they were not dislodged until the arrival of the earl of Callendar himself, with the main body of his forces. The same agitation prevailed throughout many other of the southern districts of Scotland, which seemed threatened with a civil war at home at the very moment she was fitting out an army for the invasion of a country far more powerful than herself. This armament was retarded by the difficulty of obtaining recruits, until the opportunity was lost for invading England with any chance of success.

These hostile preparations in Scotland were attended with great agitation in various parts of England, where the cavaliers were actively engaged in preparing for insurrections to act in concert with the Scottish army on its advance. But these insurrections all broke out prematurely, or were directed imprudently. The insurrection in the south ended in the disastrous siege of Colchester. Cromwell went in person to put down a rather formidable insurrection in Wales. And in the north, the insurrection of the cavaliers under sir Marmaduke Langdale and other old royalist leaders, furnished an excuse for assembling in that quarter a force under major-general Lambert which might watch the movements of the Scots and impede them in their advance. While, however, the army was thus occupied in dif-

ferent parts of the kingdom, and the officers thus compelled to absent themselves from London, the presbyterians again obtained the ascendancy in parliament. The secluded members were allowed to resume their seats, the vote against further negotiations with the king was rescinded, and new proposals were agreed upon, in which it was resolved that the Scots should be desired to concur. But new victories of the independent army rendered all these proceedings futile.

At length, on the 13th of July, the duke of Hamilton crossed the border, at the head of his expedition, ill-judged in its commencement, and miserably executed in the sequel. His army, which was ill-equipped, and disliked the war, consisted of nearly fifteen thousand men, including four thousand horse. He was joined in a few days by two thousand foot and a thousand horse, brought over from Ireland by Monro. On entering England, Hamilton sent a messenger to general Lambert, informing him that he was advancing with an army into England, "because the parliament of England had given no satisfaction to the desires of the parliament of Scotland," and that he could not avoid passing through the northern parts of England; but he assured Lambert that he had no intention to hurt him or the kingdom, "which his future carriage would demonstrate." Lambert returned for answer to this message, "that as to non-satisfaction from this parliament, he had nothing to say; but as to his coming in a hostile way into England, he would oppose to the utmost, and fight him and his army as traitors and enemies to the kingdom, upon all opportunities; that this great breach of the covenant and large treaty between the two nations, he doubted not but would be revenged upon them to their utter ruin, and was assured of assistance herein of all true Englishmen and right covenanters of the two nations." On the evening of the same day on which the Scottish army entered England, Hamilton himself entered Carlisle, where he was received with great triumph and rejoicing by the garrison which had been placed there by sir Marmaduke Langdale. The bulk of the army lay about Wigton. Whatever deficiency Hamilton might have in military skill, he seems to have resolved to make up by military pomp. We are told in a contemporary account of his progress, that "duke Hamilton marched himself in the van of the Scotch army, with his trumpeters before him all in scarlet cloaks full of silver lace, in great

state. With the duke did march a life-guard of Scotchmen, all very proper, and well clothed, with standards and equipage like a prince. In the van of the army there marched four regiments of horse, seven colours in a regiment, in all about two thousand in the van; their body of foot in the middle, led by major-general Middleton, seven regiments, ten colours to a regiment; the foot in all about seven thousand. They have brought some carriages, but the artillery and completing of the carriages is to be from Carlisle, which was one great reason of the duke's so much hastening thither as soon as he entered England. In the rear of the army, marched another division of horse, with the earl of Callendar, about fifteen hundred." Soon after his arrival at Carlisle, Hamilton was joined by sir Marmaduke Langdale, with about four thousand foot and eight hundred horse.

Lambert fell back upon Appleby, as the main body of the Scots advanced to Penrith. They received a check in attempting to dislodge the English from Appleby, but the latter subsequently quitted that place, and retired to Bowes, where they received reinforcements from Yorkshire. Leaving a garrison in the castle of Carlisle, Hamilton marched with his army into Westmoreland, but during a month that he remained in that county, no exploit worth mentioning was performed, and nothing occurred but some slight skirmishes. The conduct of the Scots on this occasion was very different from that of the covenanters, when it had marched to the assistance of the English parliament, for they went about plundering on their way and committing outrages which exasperated the country-people in the highest degree. As there was want of discipline in the men, so there was want of unanimity and resolution in their generals. When compelled by scarcity of provisions to remove from Westmoreland, Baillie strongly recommended their marching into Yorkshire, where the population was friendly to the royalists, but this advice was overruled by the earl of Callendar, who urged that it was better to live upon a hostile country than to exhaust their friends. This course having been determined upon, Monro, with his troops from Ireland, which were the best in the army, but who would neither serve under the earl of Callendar nor under Baillie, was left at Kendal, to wait for the ordnance from Scotland, with orders to fall back upon Appleby or Carlisle if the army was attacked, and to wait there for further

orders. Hamilton and his forces proceeded in the direction of Preston, Langdale and the English auxiliaries always marching in advance.

The valuable time which had been lost by the Scots, was turned to advantage by their opponents. On the first intelligence that Hamilton had entered England with forces so much superior to those of Lambert, the parliament proclaimed him and his whole army traitors, covenant-breakers, and malignants, and dispatched orders to Cromwell, who was still in South Wales, to hasten against them. This great general, who had entirely overcome the rebellion there, hastened to the north, and having formed a junction with Lambert's forces in the neighbourhood of Knaresborough and Wetherby, whither they had retreated, advanced immediately into Lancashire, and reached Hodder-bridge, on the Ribble, on the 16th of August. There a council of war was held, and as information was received that the Scots were only waiting for Monro's forces to march south, it was determined to give them battle at once, before Monro's arrival. The forces under the duke of Hamilton at this time were estimated by Cromwell himself at twenty-one thousand men, while he had to oppose to them only eight thousand six hundred, but the latter were veteran troops, with the courage and confidence arising from repeated victories and able commanders. The same night, after the council, the English crossed the river, and quartered in the fields on the other side. Next morning they continued their march towards Preston. Langdale's army, which, as usual, was a little in advance of the Scots, occupied the ground in front of Preston, but the intelligence of the invaders appears to have been so extremely defective, that he was hardly aware of Cromwell's presence in the north when he found himself suddenly attacked by the advanced parties of the enemy. Although quite taken by surprise, he made a resolute stand, and it was only after four hours' fighting that he was driven into the town of Preston. Four troops of Cromwell's own regiment charged first into the town after them, and these being well seconded by colonel Harrison's regiment, the streets were soon cleared, and Langdale's troops driven back with considerable loss to the bridge. During the engagement, Langdale had sent repeated messages to the duke of Hamilton for assistance, but it was only when he was already retreating out of the town, that Hamilton himself

with a division of his army arrived. The forces under the command of Hamilton and Langdale were still double those of the victorious parliamentarians, but the latter did not hesitate to attack the bridge, and after a fierce struggle, carried it, and drove their opponents over the river, who in despair abandoned their ammunition. Night separated the combatants, the parliamentarians remaining under arms at the bridge, while the Scots and their allies were drawn up at a distance of about a musket-shot from them. In this first day's engagement the Scots and their allies had about a thousand men slain, and the parliamentarians took four thousand prisoners.

Both parties remained in this posture during a good part of the night, but while it was still dark the Scots commenced a disorderly retreat towards Wigan, closely pursued by Cromwell, who estimated their numbers in the retreat at seven or eight thousand foot and four thousand horse, and his own at three thousand foot and about two thousand five hundred horse and dragoons. This pursuit occupied the whole of the 18th of August, and it was late in the day when the Scots entered Wigan. "We lay that night," Cromwell tells us, "in the field, close by the enemy, lying very dirty and weary, where we had some skirmishing," &c. Next morning, the 19th of August, the Scots continued their retreat in the direction of Warrington, closely pursued as before, until they came to a pass near Winwick, where they made a stand, and defended the place for several hours, but at length they were driven from it with great loss, and closely pursued into Warrington, where they seized upon the bridge, and thus held their pursuers in check until they had time to negotiate. "As soon as we came thither," says Cromwell's despatch, "I received a message from lieutenant-general Baillie, desiring some capitulation; to which I yielded, and gave him these terms: that he should surrender himself and all his officers and soldiers prisoners of war, with all his arms, ammunition, and horses, upon quarter for life; which accordingly is done. Here we took about four thousand complete arms, and as many prisoners. And thus you have their infantry ruined." In the different engagements and pursuits the Scots had now had full two thousand men slain, and Cromwell reckoned the prisoners at between eight and nine thousand. Many of the fugitives were lurking about the country in hedges and other

hiding-places, and were slain or captured by the country-people in revenge for the disorders they had committed on their march.

When Cromwell had cut off the retreat of the Scottish army towards the north by his victory at Preston, a party of their horse escaped towards Lancaster, and succeeded in joining the division under Monro. When Baillie surrendered with the foot at Warrington, the duke of Hamilton, with the horse that remained (about three thousand), retired upon Uttoxeter in great haste and disorder, for the militia was now rising around him, and had captured five hundred of his men in his march, and stragglers found no mercy at the hands of the exasperated countrymen. The militia having surrounded the little town of Uttoxeter, amused the duke with negotiations for capitulation until Lambert came up and compelled him to surrender at discretion; but Callendar, with about one-half of the horse, had forced his way through the enemy and escaped. Thus was the Scottish army of invasion entirely destroyed, and Hamilton, in whom the king had placed all his hopes of restoration to the throne according to his own will, was a prisoner in the hands of his determined enemies.

While these events were occurring in England, a partial revolution had taken place in Scotland. The national assembly met on the 12th of July, and chose for their moderator Mr. George Gillespie, a minister distinguished equally for his abilities and for his moderation. The committee of estates, which was devoted to the Hamiltonian faction, hoped to influence their votes by causing Argyle, Loudon (who had returned to his old party), and Warriston to be absent, and bringing charges against the commissioners of the kirk which rendered them incapable of taking any part in its proceedings until they were exculpated. This stratagem failed, for the assembly unanimously approved the conduct of their commissioners, and declared against the engagement. The committee of estates, highly offended, required to be informed what was the nature of the security for religion which the assembly required. They replied at once, that they required the repeal of the unlawful engagement; that the popish, prelatical, and malignant party should be declared enemies as well as the malignants; that they should avoid all association with their forces or councils; and that men of undoubted integrity and known to be devoted to the

cause should alone be entrusted with the management of affairs. The committee of estates required them to show authority from scripture for the unlawfulness of the engagement, and for their claim to intermeddle in affairs of war and peace. The assembly replied by a declaration of the present danger of religion and of the unlawfulness of the war against England, and ending with an exhortation to all classes against the sinfulness of the late proceedings. They at the same time addressed a supplication to the king, reminding him of some of the causes of his present misfortunes, and exhorting him to repent and follow the only course which was likely to restore peace and happiness to his subjects. The committee of estates, who never doubted of Hamilton's success, assumed a high tone, threatened to suppress the commission of the kirk, and to bring to account such of the ministers as had shown themselves most forward in opposition. After a praiseworthy but fruitless attempt to provide for the education of the highlanders, the assembly separated on the 12th of August, in a very ill-humour with the committee of the estates, and anxious for the failure of the duke of Hamilton's expedition, and of an army which they looked upon as made up chiefly of malignancy and vice.

In fact, the covenanters justly looked upon the success of this army as equivalent to the ruin of the popular cause and the restoration of the king with unlimited authority, and no sooner had Hamilton commenced his march than their leaders began to raise men to oppose the engagers. The firmness of the national assembly had encouraged their party, and the country was already on the eve of insurrection, when everybody was astonished with the news of Hamilton's disasters. The western covenanters were in arms immediately, and while the earls of Eglintoun and Cassillis directed the movement in the lowlands, Argyle and Loudon proceeded to perform the same services in the north. The committee of estates, almost bewildered by the accumulated misfortunes of their party, collected all their troops which remained at home and placed them under the command of the earl of Lanark, and, fearing most from the advance of Cromwell's victorious army, they dispatched orders to Monro to return into Scotland immediately with all the troops under his command, and sent Lanark southward with all the men he could muster to unite with him on the border. The road to

Edinburgh was thus left open to the western covenanters, and the committee of the estates withdrew from the capital as their opponents marched into it. This affair was popularly called the whigs' raid, from the nickname which had already been given to the covenanters of the west.

When the duke of Hamilton advanced with his army into Lancashire, Monro, with the forces he had brought from Ireland, remained at Kirby-Lonsdale, to await further orders. He there received intelligence of the approach of Cromwell, who had reached Skipton-castle in Yorkshire, and fearing to be attacked while unsupported, he retreated to Appleby, and sent information to the duke. His messenger appears to have miscarried, but, on learning that Cromwell had taken the road to Preston, Monro returned to Kirby-Lonsdale, and kept his horse and foot in readiness to obey immediately whatever orders might come from the commander-in-chief. No such orders, however, arrived, and he remained in perfect ignorance of what was going on, till early one morning his patrol on the Preston road was alarmed by the distant sound of a confused trampling of horses. Their doubts were soon cleared up, when about fifteen hundred of Hamilton's horse, which had escaped from the defeat at Preston, rushed in and brought the first intelligence of the disaster which had befallen their army. They refused to remain with Monro, but continued their flight to Scotland, plundering and ill-using the country-people on their way, and provoking them to still fiercer retaliation on any unlucky stragglers. Monro soon learnt the full extent of Hamilton's misfortune, and abandoning Kirby-Lonsdale, he began his retreat by the east road, intending to set fire to the coal-pits at New-castle, before he left England. But on his way, he received the orders of the committee of estates for his immediate return, and hastening his march across the border, he united his forces with those under the command of the earls of Crawford, Glencairn, and Lanak, at Haddington. When their united forces were mustered on Gladsmuir, they were found to amount to three thousand horse and two thousand foot. Monro proposed to march against the west-country whigs, who had been modelled by David Leslie and other old officers opposed to the engagement; but this was forbidden by the committee of estates, who were already negotiating with their opponents for a cessation

of arms. On this, Monro agreed with Lanark in an insidious attempt to regain the command of the country by making themselves masters of the pass of Stirling, and thus cut off the communication between Argyle and the other associated lords, while Lanark himself proceeded to Perth to raise forces in the north. At Linlithgow, Monro nearly surprised the earl of Cassillis, who made a hasty retreat by way of Borrowstounness to Queensferry. When Monro reached Larbert, he received information that Argyle, with about sixty horse and no great number of foot, was in Stirling, totally unsuspecting of the approach of an enemy, and hastening forward with the whole of his cavalry, he came upon him unawares. Argyle had just time to escape over the bridge with his horse before the town was occupied by his enemies, who slew about a hundred of his foot in wanton vengeance, and took the remainder prisoners. Argyle had so narrow an escape on this occasion, that it is said one of Monro's troopers had seized him by the shoulders before he cleared the town. The committee of estates, elated with this success, broke off the negotiations, and issued orders for all the fencible men in the north to join Monro at Stirling. They had now, however, lost the power of enforcing their decrees, and Monro received few recruits, while his communication was cut off from the south by the increasing army of the covenanters, under the earl of Leven, who had now reappeared in the field, and David Leslie.

Argyle, on his arrival in Edinburgh, provoked at the faithless attack upon him in Stirling while he was engaged in a treaty for pacification, consulted with some of the leading men of his party, and in conjunction with them, dispatched a messenger to Cromwell, who was already on the border, requesting his assistance in quieting the disorders of the country, in accordance with that article of the treaty by which the two kingdoms were mutually engaged to render each other assistance in putting down any internal disturbances that might be raised by means of the enemies of the covenant. This was just what Cromwell desired, and, in an affectionate answer, he assured them of his willingness to accede to their request, "professing with all heartiness to be ready to join with them against the disturbers of the peace and good-will between the two kingdoms, desiring nothing more than the subduing and rooting out of trust all loose

persons, and such as are enemies to goodness and good men; assuring them that in his income (*entrance*) he will deny himself and his soldiers that which he would take in England, and that, the enemy once subdued and the English towns delivered or gained, he will return; and as he believed God gave him and those under his command victory over the duke's army, thereby to make way for his assistance of the faithful in Scotland, so he shall perform the same with all cordialness, and desires that the letter he now sends may be kept as a testimony against him and those under his command, if they do not, as a brand of their hypocrisy for ever."

This alliance between the covenanters and Cromwell gave the last blow to the hopes of the engagers, who now hastened to make their peace with their opponents. By the intermediation of the ministers, it was arranged that they should have their lives and fortunes secured, and not be called in question for what was past, on condition of their immediately resigning their offices and disbanding their forces; and Monro was to have a month's pay for his troops and return to Ireland. At Berwick, a messenger from the committee of estates, which now consisted only of covenanters, met him with a letter "thanking him for his readiness to assist them, and for the good order and discipline which he had maintained in his army, by preventing any stragglers from doing mischief when they lay so near the borders; informing him at the same time of their treaty with the other party and their own anxiety to avoid everything which might import an accession to the guilt of the late engagement; that, in consequence, they had given orders for disbanding the Scottish forces in the garrisons of Berwick and Carlisle, and delivering the towns for the use of the parliament of England." He received at the same time from the committee an invitation to visit Edinburgh, and having received and garrisoned Berwick, he marched with the rest of his army towards the Scottish capital, causing the utmost discipline to be observed in his army. He was received in great pomp, the earl of Murray's house in the Canongate was appointed for his lodging, with a guard of honour at the gate, and it was ordered that he should be maintained at the public expense. Every kind of honour was paid him during his stay. A magnificent feast was given to him and his officers in Edinburgh

castle, at which the marquis of Argyle, the earl of Leven, David Leslie, and others of the Scottish nobles and officers were present, and he was saluted with a discharge of artillery when he departed. During Cromwell's stay, the forces on both sides were disbanded, with the exception of a thousand foot and five hundred horse, under Leven and Leslie, which were kept together for the protection of the government. Cromwell left two regiments of horse and two troops of dragoons, under Lambert, to co-operate with them until things were better settled to restore the presbyterian party to the power in parliament which it had lost during his absence. Sir John Chiesley and Mr. Robert Blair were sent after him to act as commissioners until the meeting of the estates.

In England, the presbyterians having recovered their influence during the absence of the army, new negotiations were entered into with the king, which only served to give more proofs of his insincerity. The events which followed, until the trial and execution of the king, belong rather to English than to Scottish history. The committee of estates again addressed themselves to the king, imploring him to accede to the wishes of his parliament and people, but in vain; but when it was known that it was the design of the English parliament to bring him to trial, they interfered as far as they could to save him. At the beginning of the January of 1649, they wrote to the parliament of England a letter, "laying open and pressing much for unity of councils and actions, according to the covenants betwixt the two kingdoms, desiring that the house would not proceed to try or execute the king till the advice of that nation be had." No attention was paid to this demand, and on the meeting of the Scottish parliament on the 4th of the month just mentioned, one of the first subjects of debate was a letter from the commissioners in England, stating their difficult position, and requesting directions and advice. These directions were prudent and conciliating. They were to show the utmost respect and tenderness to the privileges of the English parliament, but to make application privately to such lords and commons of the well-affected presbyterian party in the king's favour, but in such a manner as to give offence to nobody. They were not on any account to justify the king or to express any approbation of the late engagement, or to do anything tending to a breach between

the two countries, but to remind them of promises and declarations made at Newcastle and Holmby-house that no violence should be done to the king's person. If, however, the English parliament persisted in bringing the king to a trial, they were to give in their dissent from such a measure, that the Scots might not be participators in it, and they were to represent as urgently as they could the dangers likely to arise from it, but in doing this they were cautiously to avoid saying anything that might seem to imply an approval of the doctrine "that princes are exempted from trial of justice." The chance of these instructions producing any effect was lessened by their temporising and hesitating character, because, while their strong disapproval of all the late proceedings amounted to a justification of those of his opponents, their appeals were directed only to their indulgence, and the party who were now proceeding against the king had been long convinced that that indulgence would be their own ruin. They, therefore, gave no heed to the expostulations of their northern brethren, but persevered in their own course, and on the 22nd of January, the Scottish commissioners, finding all their efforts to be unavailing, sent the following protest to the speaker of the house of commons:—"By our letter of the 6th instant, we represented unto you what endeavours have been used for the taking away of his majesty's life, for change of the fundamental government of this kingdom, and introducing a sinful and ungodly toleration in matters of religion, and therein we did express our sad thoughts and great fears of the dangerous consequences that might follow thereupon; and further we did earnestly press that there might be no proceeding against his majesty's person, which would certainly continue the great distractions of these kingdoms, and involve us in many evils, troubles, and confusions; but that by the free counsels of both houses of the parliament of England, and with the advice and consent of the parliament of Scotland, such course might be taken in relation to him, as may be for the good and happiness of these kingdoms, both having an unquestionable and undeniable interest in his person as king of both, which duly considered, we had reason to hope should have given a stop to all proceedings against his majesty's person. But we understand that after many members of the house of commons have been imprisoned and secluded, and also without and against the consent of

the house of peers, by a single act of your's alone, power is given to certain persons of your own number, of the army, and some others, to proceed against his majesty's person; in order whereunto, he was brought up on Saturday last in the afternoon before this new extraordinary court. Wherefore we do, in the name of the parliament of Scotland, for their vindication from false aspersions and calumnies, declare, that though they are not satisfied with his majesty's concessions in the late treaty at Newport in the Isle of Wight, especially in the matter of religion, and are resolved not to crave his restitution to his government before satisfaction be given by him to his kingdoms, yet they do all unanimously with one voice, not one member excepted, disclaim the least knowledge of or accession to the late proceedings of the army here against his majesty; and sincerely profess that it will be a great grief unto their hearts, and lie heavy upon their spirits, if they shall see their trusting of his majesty's person to the honourable houses of the parliament of England to be made use of to his ruin, so far contrary to the declared intentions of the kingdom of Scotland, and solemn professions of the kingdom of England. And to the end it may be manifest to the world how much they abominate and detest so horrid a design against his majesty's person, we do, in the name of the parliament and kingdom of Scotland, hereby declare their dissent from the said proceedings, and the taking away of his majesty's life; and protest, that, as they are altogether free from the same, so they may be from all the evils, miseries, confusions, and calamities that may follow thereupon to these distracted kingdoms." In addition to this protest, the Scottish commissioners addressed letters to Fairfax and Cromwell deprecating in the strongest terms the proceedings against the king.

The execution of the king was followed by that of the duke of Hamilton, who had been captured in the defeat of the Scots by Cromwell. When he learnt the fate of his sovereign, in fear for his own life he contrived to make his escape from Windsor-castle, where he was confined. He proceeded to London, attended by a faithful servant, but it being night, it was necessary to remain outside the town till day, when the guards were taken away. Hamilton proceeded imprudently to Southwark, where he was arrested by the soldiers on patrol, and next day he was carried to the parliament, who decided on bring-

ing him to immediate trial on the charge of high treason. His trial took place on the 6th of February, when he was arraigned as earl of Cambridge (his English title), for traitorously entering England in a hostile manner and levying war upon the parliament and kingdom. Hamilton refused to acknowledge the jurisdiction of the court, on the plea of being a foreigner, but all his objections were overruled, and after a short trial, he was found guilty and condemned to the scaffold. His sentence was remitted to the house of commons, which confirmed it, and he was executed, along with the earl of Hol-

land and the lord Capel, on the 9th of March. It was an age credulous in predictions, and Hamilton's death is said to have been foretold to him by a witch, who said that the king would be executed, and that he would be his successor. The extreme royalists, and others also believed, or affected to believe, that Hamilton aspired to the crown, and that he acted treacherously towards the king with this object. These said that Hamilton was deceived by the witch's prophesy, imagining that he was to succeed the king on the throne, whereas her meaning was that he would succeed him on the scaffold.

CHAPTER XIX.

SCOTLAND AFTER THE DEATH OF THE KING; THE ACT OF CLASSES; PROCLAMATION OF CHARLES II.; MONTROSE'S LAST INSURRECTION; ARRIVAL OF CHARLES; CROMWELL'S INVASION; BATTLE OF DUNBAR; CORONATION OF CHARLES II.

As the party of the independents had now completely triumphed in England, everybody must have foreseen an estrangement between the two countries, for it would have been almost as difficult to restrain the presbyterians, had they the power, from taking up arms to enforce uniformity of religion, as to hinder the royalists from struggling for the restoration of the kingly power. Still there was, at this moment, a great desire in the Scottish parliament to preserve close friendly relations with their English brethren, and, before the news of the execution of the king arrived in Edinburgh, they had already passed several acts calculated more or less directly to secure that object. One of these repealed all the acts of parliament or committees which had been made in favour of the engagement; and another, which was still more remarkable in its character, was named, from the peculiar classification it contained, the *Act of Classes*. The object of this latter act was to purge the judicatories and places of public trust, and its reasons were stated in the preamble to be, that "the corruption of the judicatories of the kingdom and officers of state, and other persons of public trust, had been the cause and fountain from whence all their evils had proceeded." It was enacted, therefore, that all persons should be excluded from such offices according to a scale of delinquency which was

graduated as follows:—The *first class* comprised all who had been the chief plotters and prime promoters of the late unlawful engagement, and all who, as general officers, led or accompanied the army into England, and all who were chief actors and promoters of the horrid rebellion of James Grahame (Montrose), and who had afterwards accepted of charge or joined as volunteers in the expedition; these were rendered incapable for ever of any place of trust. The *second class* included all not comprehended in the first class who had been formerly censured for malignancy, and had since either accepted of charge or joined as volunteers in the engagement, who were officers in the expedition; all who had concurred in petitions, protestations, letters, or remonstrances, for moving the parliament or committees to carry on the engagement; and all who concurred, as members or clerks, in acts of parliament and committees of estates, for prosecuting the said engagement, and pressing others thereto. Those included in this class were to be excluded for ten years from all public employments; and after this period they were to be similarly excluded until they had given sufficient evidence of the change of their malignant principles and practices, and of their firm resolution and affection to promote the ends of the covenant in all times of subsequent trial (whereof the judi-

catories of the church and state respective, having power for that effect, were to judge impartially, as in God's sight), and had given satisfaction to the kirk and to both kingdoms. The *third class*: all not included in the first and second classes, who sat in parliament and committees of estates, and gave no public testimony against the engagement; or who, in committees of war or other meetings, refused or opposed the desires of any petitions against the engagement, or concurred in acts to force dissenters, petitioners, and others to comply with the first or second levies. Persons of this class were to be excluded five years, or further, unless they gave evidence of their change of principles. The *fourth class* included all persons given to uncleanness, bribery, swearing, drunkenness, deceiving, or who were otherwise openly profane and grossly scandalous in their conversation, or who neglected the worship of God in their families; these were to be excluded for one year, and until they gave the required evidence of their change of conduct and principles.

There can be no doubt that this act was far too sweeping to be carried out in its full extent, but it had the temporary effect of destroying for a while all the influence of the royalists and engagers. Great numbers of the latter left the country, and among the rest, Lanark, who had now succeeded to his brother's title of duke of Hamilton; Lauderdale, and several other noblemen, went to Holland to join prince Charles. But the death of the king again changed the position of affairs in Scotland. The presbyterians were strongly prejudiced in favour of royalty, and they considered it as a duty imposed upon them by the covenant to uphold the crown in the family of king Charles. While the king was alive, although a prisoner and excluded from all share of power, their conscience on this point was saved, and his name served as a sort of tie between the two countries. But now the Scottish throne was vacant, and it was necessary to decide whether and how this vacancy should be filled up. The party in Scotland which would have preferred a republic was very small indeed, and the great majority were so warmly attached to the principles of kingly power, that there is little room for doubt of their willingness to take up arms against the victorious republicans in England, if they could have done it with any chance of success. At the same time the men now in the ascendant in Scotland,

whose chief leaders were Argyle and Johnstone of Warriston, were directly opposed to the restoration of royalty without a clear limitation of the influence of the crown, and in resolving to accept prince Charles for their king, they determined only to give him the crown upon certain conditions. The resolution was therefore worded as follows:—"The estates of parliament of the kingdom of Scotland, most unanimously and cheerfully, in recognisance and acknowledgment of his (prince Charles's) just right, title, and succession to the crown of these kingdoms, proclaim and declare to all the world, that the said lord and prince, Charles, is, by the providence of God, and by the lawful right of undoubted succession and descent, king of Great Britain, France, and Ireland, whom all the subjects of that kingdom were bound humbly and faithfully to obey, maintain, and defend, according to the national covenant, and solemn league and covenant, betwixt the kingdoms, and the good and peace of this kingdom, according to the national covenant, and the solemn league and covenant, for the which end we are with all possible expedition to make our humble and earnest addresses to his majesty." The proclamation was read at the high-cross of Edinburgh on the 5th of February, by the earl of Loudon as chancellor, dressed in a robe of black velvet, with all due solemnity, but the gloom which overcast the whole proceeding seemed to forbode its disastrous consequences.

The proclamation of a king of Great Britain and Ireland, in face of the declaration of the English parliament abolishing the monarchy, was in itself an act of hostility, and it was followed by proceedings which were calculated to give the greatest offence to the republicans in the south, as being certainly a rather arrogant interference with their right to govern themselves. Instructions were sent by the estates to their commissioners in London, who in accordance with them, presented a long remonstrance to the lower house, in which they related the origin of the solemn league and covenant, and the successes which attended it as long as it was preserved unbroken; they declared that the Scots still adhered to its principles, and protested against its violation by the English house of commons, who, in spite of their protest, had put the king to death and prohibited prince Charles from being proclaimed king. They accused the parliament of imprisoning and secluding by

force many of the members, of abolishing the kingly office and the house of lords, and of other acts of usurpation. They proceeded to say, "If the honourable houses of the parliament of England, who made the declarations and engagements with us, had been permitted to sit and act with freedom, we know there would have been no such proceedings as we have already seen, nor cause to fear such dangerous evils and strange alterations as are now carried on by will and power. We may confidently say, they would have been more mindful of their many declarations, and of the solemn league and covenant, and more ready to hearken to the advice of their brethren in Scotland; but, however, no regard hath been had by those who now rule to what we have formerly said, and so we have small hope that any great notice shall be taken of what we shall further say; yet, in pursuance of the instructions we have received from the parliament of Scotland, we hold it our duty to desire that there be no toleration of idolatry, popery, prelacy, heresy, schism, or profaneness; that there may be nothing done which may wrong king Charles II. in his succession, as righteous heir of the crown of these kingdoms; but that, by the free counsels of both houses of parliament, reformation of and uniformity in religion may be settled according to the covenant; and, particularly, that presbyterial government, the confession of faith, and directory for worship, may be established; that the just right and title of the king, Charles II., to the crown of these kingdoms may be acknowledged; and, upon just satisfaction given to both kingdoms, he may be received and admitted to the exercise of his government; and if, notwithstanding all our earnest desires and endeavours to the contrary, the commons now sitting at Westminster shall proceed otherwise, in all or in any of these particulars aforesaid, we do hereby, in the name of the parliament and kingdom of Scotland, dissent from the same, and solemnly protest that they may be free before God and man of the guiltiness, evils, confusions, miseries, and calamities, that may follow thereupon to these distracted kingdoms."

The English parliament were so highly offended at what they considered a spirit of dictation displayed in this document, that they caused the Scottish commissioners, who after sending the remonstrance to the speaker had left London without taking leave, to proceed to Holland on an embassy to the

prince, to be arrested at Gravesend. At the same time they passed a resolution, "That the paper of the Scottish commissioners did contain much scandalous and reproachful matter against the just proceedings of the parliament, and an assuming, on the behalf of the kingdom of Scotland, power over the laws and government of England, to the high dishonour thereof; that the design of its contrivers and subscribers was to raise sedition, and lay the grounds of a new and bloody war in the land, and to second their late perfidious invasion; and that all persons in England and Ireland who should join with or assist the said contrivers or subscribers, on the grounds laid in that paper, were traitors and rebels, and should be proceeded against as such."

It is evident that the two parties, the Scots and the English, interpreted the covenant differently, and that the Scots believed that they had by it a right to interfere in the domestic affairs of their neighbours, which the English were not inclined to allow. When the resolution of the English parliament was communicated to the estates in Scotland, with a demand to be informed if they acknowledged and adhered to the protest of their commissioners, their reply was temperate and dignified, though by implication they still asserted the same high pretensions. They said that they "disclaimed all intentions to assume any power over the government and the laws of that kingdom, or any wish to raise sedition or war, or do anything in pursuance of the late engagement; they only adhered to their former principles acknowledged by both kingdoms. And so tender were they of the union between the nations, that they thought remonstrances against the breaches of peace craving just reparation and all amicable and good means should be first, and before any act of hostility commenced, which, according to the large treaty, could not take place without three months' previous notice; and, however any prevalent party in either kingdom had infringed or might break these bonds, they did not think it either agreeable to God's will, or conducive to the welfare of the nations, to lay these sacred ties aside as dissolved and cancelled; but rather that they should be preserved for the good of both kingdoms, the benefit of those who had no accession to such breaches, and of succeeding generations. But while they hoped that none could justly blame them for their continuing constant in their former

judgment and principles, they conceived that that could far less be any ground for restraining their commissioners, contrary to the public faith and the law of nations, by which the freedom of ambassadors and commissioners is sacred and inviolable, not only betwixt Christian but even amongst heathen kingdoms and states; they therefore desired that their commissioners might be freed from all restraint, and allowed to return in what way they thought fit." But the English parliament, feeling that under all this they were attacked as independents, were too much irritated to act in a conciliatory manner, and their reply was to send the commissioners under the escort of a troop of horse to Berwick, whence they were dismissed into Scotland.

The negotiations of the Scots with their new king were not much more promising than their relations with England. Before entering into direct communication with him, they framed several acts or resolutions of parliament for their own protection, which were the more necessary as some of those who were with the king were known to have spoken of the meeting of the estates as not being a legal parliament. One of these acts was, "that before the king's majesty who now is, or any of his successors, shall be admitted to the exercise of his royal power, he shall, by and attour (*besides*) the usual coronation oath, assure and declare, by his solemn oath, under his hand and seal, his allowance of the national covenant, and of the solemn league and covenant, and obligation to prosecute the ends thereof in his station and calling; and that he shall for himself and his successors consent to agree to acts of parliament enjoining the same, and fully establishing presbyterian government, the directory of worship, confession of faith, and catechisms, as they are approved by the general assembly of the kirk and parliament of this kingdom, in all his majesty's dominions; and that he shall observe these in his own practice and family, and that he shall never make any opposition to any of these, or endeavour any change thereof." By another resolution it was provided, "that before the king should be admitted to the exercise of his royal power, he should leave all counsel and counsellors prejudicial to religion and the covenants, and give satisfaction to his kingdom, as it is now constitute, in what further should be found necessary for the settling of a happy and durable peace, preservation of the union

between the two kingdoms, for the good of the crown and for his own honour and happiness; and should consent and agree that all civil matters should be determined by the parliament of the kingdom, and all ecclesiastical matters by the general assembly of the kirk." These restrictions were felt to be necessary by men who were well aware of the vices and of the character of the companions of the prince they had chosen for their sovereign.

While these events were going on in Scotland, the prince was residing at the Hague, and thither sir Joseph Douglas was sent to announce to him the proclamation of his accession to the throne and the speedy arrival of commissioners from the parliament and church to arrange the conditions of his return. The commissioners were the earl of Cassillis, the laird of Brodie, Mr. Alexander Jeffray, bailie of Aberdeen, and Robert Barclay, provost of Irvine, for the parliament; and Dr. Robert Baillie and Mr. James Wood, ministers, and George Winram of Libberton, ruling elder, for the church. They were received with courtesy, and flattered by the confidential manner in which Charles condescended to address himself to them; but this prince seems to have possessed from his youth all the duplicity, and the love for multifarious intrigues, which had so unfortunately characterised his father. A temporary success of Ormond and the catholics in Ireland had raised his hopes of obtaining his father's throne by force and without limitation of his power, and he had been persuaded by the less prudent of his advisers to hasten to that country and place himself at the head of those who were there in arms against the existing government. Contrary to the advice of Lanark and Lauderdale, who urged him to accept the offers of the Scottish parliament, he was preparing for this expedition; and thinking that he should negotiate with more effect when at the head of his army there, he allowed the time to which the commissioners were limited to expire, and they returned without an answer. The base murder of the ambassador of the English parliament, Dr. Dorislaus, by the direction of Montrose, on the 3rd of May, rendered it necessary for Charles to leave the Hague, and he removed into France, but finding himself coldly received there, he proceeded to Jersey, still apparently unwilling to give up his hopes of Ireland, which were however speedily destroyed by the victorious arms of Cromwell. At the same time, Charles had

been encouraging what would be considered by the parliament the extreme malignant party in Scotland, to excite insurrection in his favour. In the north, the Mackays, under their chief, lord Rea, and the Mackenzies, under the laird of Pluscardine, directed by lieutenant-general Middleton, who had been proscribed by the act of classes, took up arms, and seized upon Inverness, in the month of February. They remained in rebellion till the month of May, when a body of the parliament's troops, commanded by colonel Kerr and lieutenant-colonels Hackett and Strachan, defeated them with the slaughter of sixty or eighty, and took nearly eight hundred prisoners. The lord Rea and some of the chiefs of the Mackenzies, who were among the prisoners, were sent to Edinburgh. This insurrection hastened the fate of the marquis of Huntley, who lay under a former sentence, on which he was executed on the 30th of March.

The general assembly met in the month of July. The ministers, collectively showed a decided hostility to the restoration of royalty without conditions, and they published a "warning," in which were expressed the highest and most liberal doctrines on constitutional government, while declaring their attachment to royalty, and condemning the recent proceedings in England. They confirmed what had been done by the parliament, and sir George Winram was again sent to the king, who had now removed from Jersey to Breda. The English royalists who attended upon the exiled prince, who were chiefly men of dissipated life and of very questionable principles, were opposed to his accepting any limitation upon his power; but the Scots who were with him, and especially the earl of Lauderdale, urgently advised him to accept the conditions of the Scottish parliament, representing to him that when once present among his subjects, he would no doubt soon obtain a diminution of the restrictions now put upon him, and that it would be the first step towards recovering his throne of England. Charles yielded to his arguments, and a treaty was concluded at Breda by the earls of Cassillis and Lothian, after some further delay. But even while engaged in this important negotiation, the young prince imitated the treacherous conduct of his father in sending the marquis of Montrose secretly to raise a rebellion in Scotland, while he himself kept the treaty in suspense until he knew the success of Montrose's plans. The king's

commission to the marquis has been preserved, and was expressed as follows:— "Right trusty and entirely beloved cousin, we greet you well. An address having been made to us from Scotland by a letter, whereof we send you a copy, in which they desire that we should acknowledge their parliament, and particularly the two last sessions of it, and thereupon offer to send a solemn address to us, for a full agreement; we have, in answer thereunto, returned our letters to them, a copy whereof we likewise send you here inclosed, by which we have appointed a speedy time and place for their commissioners to attend us; and to the end that you may not apprehend that we intend either by anything contained in these letters, or by the treaty we expect, to give the least impediment to your proceedings, we think fit to let you know, that as we conceive that your preparations have been one effectual motive that has induced them to make the said address to us, so your vigorous proceedings will be a good means to bring them to such moderation in the said treaty as probably may produce an agreement and a present union of that whole nation in our service. We assure you, therefore, that we will not, before or during the treaty, do anything contrary to that power and authority which we have given you by our commission, nor consent to anything that may bring the least degree of diminution to it; and if the said treaty should produce an agreement, we will with our uttermost care so provide for the honour and interest of yourself, and of all that shall engage with you, as shall let the whole world see the high esteem we have of you, and our full confidence in that eminent courage, conduct, and loyalty, which you have always expressed to the king, our late dear father, of blessed memory, and to us both, by your actions and sufferings for our cause. In the meantime, we think fit to declare to you, that we have called them a committee of estates, only in order to a treaty, and for no other end whatever; and if the treaty do not produce an agreement, as we are already assured that the calling of them a committee of estates in the direction of a letter doth neither acknowledge them to be legally so, nor make them such, so we shall immediately declare to all our subjects of Scotland what we hold them to be, notwithstanding any appellation we now give them, thereby to satisfy them and the whole world, that we desire to reduce our subjects of that kingdom to their due

obedience to us by our just and honourable condescensions, and by all endeavours of kindness and favour on our part, rather than by war and hostility, if their treasonable demands do not necessitate us to that as the only way and remedy left us.—We require and authorise you to proceed vigorously and effectually in your undertaking, and to act in all things in order to it as you shall judge the most necessary for the support thereof, and for our service in that way, wherein we doubt not but all our loyal and well-affected subjects of Scotland will cordially and effectually join with you, and by that addition of strength either dispose those that are otherwise minded to make reasonable demands to us in the treaty, or be able to force them to it by arms, in case of their obstinate refusal. Communicate and publish this our letter to all such persons as you shall think fit.”

The treaty was still, indeed, under negotiation, when, early in the spring of 1650, Montrose, bringing with him a small band of German and Scottish exiles, appeared in the Orkneys. He found little inclination to join him, and it was not until after he had lost much valuable time, that by means of forced levies he collected a small army with which he disembarked at the extremity of Caithness. Instead of joining him, the inhabitants, not forgetting his former outrages, fled from their homes in dismay. Under these circumstances, Montrose put forth a violent and injudicious proclamation, in which he declared that the party now ruling in Scotland, and who were in negotiation with the king, had “most infamously and beyond all imaginable expression of invincible baseness, to the blush of christians and abomination of mankind, sold their sovereign over to their merciless fellow-traitors to be destroyed;” and he said that they were “so little touched with the guilt of all these villainies, as to begin with his majesty upon the same scores they left with his father, declaring him king with provisos.” Having issued his proclamation, Montrose commenced his march over the plain country, carrying before him a stanza representing the late king, with the motto, “Judge and revenge my cause, O Lord.” Having no cavalry, his progress was slow, and the government had time to send a strong body of horse to keep him in check, until David Leslie, with the remainder of the horse, and Holborne, with the foot, joined him, that they might overwhelm the insurgents at once.

When Montrose received information of the approach of Strachan, he pressed forwards to secure the pass of Invercarron, on the borders of Ross-shire; but Strachan had already advanced beyond the pass, and attacked him suddenly on his march. Strachan had drawn up his troops in three divisions, the first of which was repulsed in the attack by the bravery of Montrose; but when the second, which Strachan commanded in person, prepared to charge, the islanders, who had little zeal in the cause for which they had been brought to fight, threw down their arms and cried for quarter. The German auxiliaries, thus abandoned by their allies, took refuge in a wood, where they also, after a short attempt at defence, surrendered. Scarcely a man of the whole army escaped. Montrose himself fled, leaving behind him his standard, his cloak and star, his sword, and the garter with which Charles had lately invested him. When he had got so far from the field as to have no longer any fear of immediate pursuit, he changed clothes with a highlander, and in this disguise wandered over the hills till hunger and fatigue compelled him to throw himself upon the generosity of a chief who had formerly been one of his own followers, Macleod of Assint. This man, however, was not proof against the temptation of the reward offered for Montrose’s capture, and he delivered him up to general Lake. As Montrose had already been condemned by the parliament, he was treated on his way to Edinburgh as a convicted criminal. He was brought into the capital on the 18th of May, in the afternoon, and carried through the streets bareheaded in a cart, driven by the hangman in his livery, with the other prisoners walking two-and-two before him. The populace are said to have looked with commiseration on the misfortunes of a man whom they had so little cause to like; but when the earl of Loudon pronounced the sentence of the parliament, he reminded him of the atrocities which had accompanied his former rebellion. Montrose boldly avowed and justified his actions, declared that he had acted all along according to the king’s commission, in support of the just rights of the crown, and denying that he had himself ordered any unnecessary cruelty. In reply to this, Loudon enumerated his various acts of hostility, and told him that they showed him to be “a person the most infamous, perjured, and treacherous, his country had ever produced,—a most cruel and inhuman butcher and murderer of his nation, and one

whose boundless pride and ambition had lost the father, and also, by his wicked counsels, had done what in him lay to destroy the son." He listened to his sentence with calmness, and underwent it with pride and ostentation, affecting to the last to despise his opponents. His execution took place on the 21st of May; and when, on the morning of that day, he heard the sound of trumpets and drums, and was told that it was to the summons to arms of the soldiers and citizens to prevent any demonstration of the royalists, he asked scornfully if he who "had been such a terror to these good men when alive, continued to be no less formidable to them when about to die." Soon after he began to dress himself for the occasion, and one of the council who was present, observing that he was combing his hair with care, and remarking on the unfitness of the moment for such an occupation, Montrose said, "that as long as his head was his own, he should dress it as it pleased him, but that when they had taken it from him they might dress it as they liked." He went to the scaffold dressed in scarlet and gold; and walked with a firm step. His sentence was, that he should be hanged on a gallows thirty feet high, on which his body was to remain exposed three hours. From the scaffold he made a studied address to the people, in which he declared his own innocence of anything that deserved punishment, and defended the character of the late king. When he had concluded, a narrative of his actions and his late proclamation were suspended to his neck by the hangman, who immediately afterwards performed his melancholy duty. He was only thirty-eight years of age at the time of his execution. With him were executed a few of his principal officers, such as Hurry, who had deserted the covenanters, Spottiswood, a grandson of the archbishop, and sir Francis Hay of Dalgettie. The lord Frendraucht committed suicide to avoid the ignominy of a public execution.

Charles appears to have made no serious effort to save Montrose's life; but, on the contrary, he justified his execution by denying that he acted under his authority. The covenanters, however, had obtained possession of the king's commission to Montrose, and other papers which made them acquainted with Charles's falsehood and treachery; and one part of them, headed by Warriston and sir John Chiesley, insisted that they should break off all further negotiation with him. Argyle, however, and

the more numerous party in the government and parliament, persisted in their loyalty, and determined to proceed with the treaty. Charles, at first, seemed inclined to make the execution of Montrose an excuse for delay, but when it was intimated to him that his private letters and orders to that nobleman were in the possession of the covenanters, he raised no further objections, but agreeing to all their conditions, embarked at once, and landed at the mouth of the Spey on the 23rd of June. Before he was permitted to land, he was compelled to take the solemn league and covenant, which was administered to him by lord Livingstone. A deputation was sent from the committee of estates to congratulate him on his arrival, but their complimentary message was coupled with the intimation, "that it would be very acceptable to them, that to testify the reality of the change (in his sentiments), he would forsake and abandon the company of malignants; that his domestic servants, and such as were about him, might be well affected to the cause; and that such as were otherwise should be removed and put from him, but in a fair and discreet way." They particularised among those whom they wished thus to be dismissed, the duke of Hamilton and the earl of Lauderdale. The Scottish nobles who came under this proscription, were allowed to retire to their houses, but the English malignants were ordered to leave the country. The latter, who were less scrupulous in conscience than their Scottish brethren, escaped expulsion by conforming and taking the covenant. Among them were the duke of Buckingham, lord Wilmot, and the earl of Cleveland.

While these things were going on in Scotland, the English parliament, who could not contemplate them without some alarm, were well aware that they must soon lead to hostilities between the two countries, for which they were preparing by moving their troops towards the border. This and some other threatening demonstrations had already alarmed the committee of the Scottish estates, and they had addressed letters to Lenthall (the speaker of the house of commons), Fairfax, and Haselrig, demanding an explanation of this hostile attitude. The English alleged the late engagement and the invasion of England, a policy into which they said the Scots had again entered, by recalling Charles Stuart to the throne without consulting with the English parliament. They now no longer concealed their deter-

mination to anticipate another invasion of England by sending an army into Scotland. For this purpose, Cromwell was recalled from Ireland, and Fairfax was invited to take the chief command. The latter is said to have been influenced by his wife, who was a rigid presbyterian, in declining this employment, and the command of the army which was to be sent into Scotland was thereupon given to Cromwell.

Within a month after Charles's arrival in Scotland, Cromwell was on the border at the head of sixteen thousand veteran troops. On the 22nd of July, he reviewed his army on a hill which overlooked the Scottish territory, and, pointing it out to his troops, he made a short address, urging them to be faithful and courageous in the expedition on which they were now entering. The soldiers answered with a loud and unanimous shout. Next day they entered Scotland, and advanced by way of the coast, to communicate with the shipping, for, foreseeing the Scots would remove every kind of stores out of their way, Cromwell had caused provisions and supplies to be sent by sea. The first night, the army quartered in the fields near Mordington, and Cromwell there issued a proclamation to his army, forbidding any one on pain of death to offer violence or injury to the persons of any of the Scots who were not in arms; and ordering that no soldier should straggle half-a-mile from the army without special licence. So completely had the Scots laid waste the country before him, that at the house of lord Mordington, where Cromwell established his head-quarters, nothing was left but bare walls, with one or two aged servants about the premises; and in cooking the mess of the general and his staff, they were obliged to use the back of a coat of mail for a dripping pan, and a head-piece for a porridge-pot. As he advanced, Cromwell sent forth proclamations, inviting the population to return to their homes, where he promised them protection so long as they behaved peaceably, and addresses to the Scottish people, telling them that the invasion had been provoked by those who had brought over and proclaimed Charles Stuart, and offering peace and the friendship of England as the condition of his dismissal. From Mordington, the English advanced to Dunbar, where they received provisions from their fleet. Hence they continued their march to Haddington, which was within seventeen miles of Edinburgh. Hitherto they had seen no traces of an enemy, but

they were now told that the Scots intended to meet them on Gladsmuir, but at Gladsmuir they saw no more of their opponents than they had done in the previous part of their march, and they continued their route to the capital.

The committee of estates, having collected the whole military force of the south around the capital, that situation, naturally strong, was fortified and rendered almost impregnable under the directions of David Leslie, who had been appointed to the chief command, old age having rendered the earl of Leven unequal to the direction of the war in a moment of so great danger. With Arthur's Seat and Salisbury Crags as his outposts, he caused the Calton-hill to be planted with cannon, and along the whole line from Leith to the castle of Edinburgh his army lay in safety behind a complication of batteries and entrenchments. The position of Arthur's Seat was carried by assault, but, owing partly to the inclemency of the weather, which was very unfavourable to the English army, they were unable to retain it, and Cromwell saw that an attempt to force the Scottish lines would be too hazardous to be risked. On Monday, the 29th of July, a party of his forces, establishing themselves in the neighbourhood of St. Anthony's chapel, cannonaded Leslie's left wing, but they were responded to from the battery at the Quarry holes, on the descent of the Calton-hill, and the English were attacked and compelled to withdraw. After trying in vain to draw the Scots from their position, and having lain a day and a night exposed in the fields, the English commander drew off his army, and fell back upon his previous quarters at Musselburgh. As soon as the retreat was known, the Scots, issuing in two parties from Leith and from the Canongate, set out in close pursuit. The party from the Canongate, coming upon the English by surprise, created some confusion, and captured major-general Lambert (who was wounded), but the other party was less successful, and in the end the Scots were obliged to draw off, Lambert having been retaken by his friends. The Scots, fearing to adventure themselves again, allowed their opponents to reach Musselburgh without any further attempt at molestation. In a subsequent night-attack, a body of eight hundred picked men, commanded by major-generals Montgomery and Strachan, made a circuitous march to Stoney-hill, on the west side of the Esk, where, as they were guided by Hamilton



Engraved by J. Robinson

OLIVER CROMWELL.

OB. 1658.

FROM THE ORIGINAL OF WALKER, IN THE COLLECTION OF

THE RIGHT HON^{BLE} THE EARL SPENCER.

the proprietor of Stoney-hill, they expected to come upon the English by surprise, and to find them weary and off their guard. In the latter expectation, however, they were disappointed, for, though a regiment of cavalry which was first attacked was routed, the English infantry were prepared for an attack, and opposed such a firm resistance, that the Scots were beaten off with considerable loss. Next day Cromwell displayed his generosity in sending the wounded back in waggons to Edinburgh, and causing the principal prisoners to be conveyed thither in his own coach.

The English general was, indeed, at this time hoping to profit by the divisions and jealousies which he knew to exist among the Scots themselves, and which had been increased by Cromwell's proclamation accusing the covenanters of approving of the proceedings of the late king by recalling his son, of retracing the steps of reformation, and of condemning and relinquishing by their acts what it had cost so much blood to obtain. Charles himself had arrived in the Scottish camp at the time of Cromwell's retreat from before Edinburgh, and had contrived to bring with him some of his "malignant" courtiers, who gave great offence by their profane behaviour and by their insolent boasting. The covenanters, alarmed at the influence of these men, and highly provoked at Cromwell's proclamation, and at his assertion that the king was insincere in his dealings with them, drew up a proclamation in the king's name, which was circulated in the army the day after his arrival. This proclamation began with an acknowledgment of God's gracious goodness in changing the king's heart and turning him from the evil of his former ways, so that he had taken the covenant and given his people satisfaction in their desires. He was made to declare his willingness to agree to any measures which the parliament of England, sitting in freedom (that is, left entirely to the influence of the presbyterians), might think proper for settling the kingdom and establishing freedom and peace. He announced that although the sectaries of England, after murdering the king, overruling the parliament by force, and oppressing the people, had sent an army into Scotland under lieutenant-general Cromwell, contrary to the solemn league and covenant and in breach of the treaty between the two kingdoms, yet, believing that many of the English soldiers had been misled by the deceptions of others, he offered a free pardon

and indemnity to all who should leave the sectarian army and come over to the Scots, with the exception of those who had sat at the high court of justice or voted for the execution of the late king. When this proclamation was brought to him, the king, influenced by his secret advisers, refused to sanction it, and thus justified the worst fears of the covenanters, who immediately removed him from the camp to Dunfermline, under pretence that the discipline of the army was endangered by the presence of his profane attendants. At the same time the army was purged of "malignants," and not less than eighty officers are said to have been dismissed.

The commissioners of the estates now saw the evils which were likely to result from the king's double dealing, and they felt the necessity of acting with decision. There was an influential party which had opposed recalling the king at all, and who still thought that a political alliance with the English independents would be the only security for their own liberties, and the influence of this party was evidently increased by the king's behaviour. The committee, to hinder the division which seemed imminent, drew up a declaration to be published in the name of their new sovereign, in which he was made to declare his sense of the merciful dispensation of divine providence, by which he had been recovered out of the snare of evil counsel, and his full persuasion of and confidence in the loyalty of his people of Scotland, from whom he had too long stood at a distance. Convinced of the righteousness of their cause, he was now determined, in fulfilment of the covenant to which he had sworn, to cast himself and his interest wholly upon God, and to act entirely by the advice of his parliament in civil matters, and in ecclesiastical by that of the general assembly or their commissioners. He lamented his father's opposition to the work of God, and the bloodshed which had followed it; his mother's idolatry, and the evil consequences of its toleration in the king's house; and his own former misconduct, the result of bad advice, and which he hoped would be forgiven by God through Jesus Christ. He entered into the covenant without any mental reservation or deceit, and was firmly resolved to adhere to and prosecute the same all the days of his life. He expressed his great sorrow for the league with the Irish rebels, which he declared null and void, promising to refrain in time to come from seeking any such un-

lawful help in the recovery of his throne. He disavowed any intention to injure his subjects of England, with the exception of those who had usurped his authority, and declared his wish to give satisfaction to the just desires of his good people of both kingdoms, promising that, if the two houses of the parliament of England, sitting in freedom, should present unto him the propositions of peace agreed upon by both kingdoms, he would not only give his consent to them, but would do whatever further might be found requisite for carrying out the solemn league and covenant, especially in what related to the reformation of the church.

This declaration was carried to the king at Dunfermline to receive his signature, but the messengers entrusted with it found him setting out upon a hunting expedition. He received them, however, so graciously, that they were led to hope that he would on his return yield to their wishes by placing his signature to the important document. But during his absence he had had time to consult with his favourite companions, and on his return he refused to sign it on the plea that he would sanction nothing which was calculated to cast any reflections on his father's memory. On receiving this answer, the committee of the estates immediately assembled in the west kirk, and passed the following strong resolution:—"Considering that there may be just ground of stumbling, from the king's majesty refusing to subscribe and emit the declaration offered to him, concerning his former carriage and resolutions for the future in reference to the cause of God and the enemies and friends thereof, doth therefore declare, that this kirk and kingdom doth not own or espouse any malignant party, or quarrel, or interest, but that they fight merely upon their former grounds and principles, and in the defence of the cause of God and of the kingdom, as they have done these twelve years past; and, therefore, as they disclaim all the sin and guilt of the king and his house, so they will not own him nor his interest, otherwise than with a subordination to God, and so far as he owns and prosecutes the cause of God, and disclaims his and his father's opposition to the work of God and to the covenant, and likewise all the enemies thereof; and that they will, with convenient speed, take into consideration the papers lately sent unto them by Oliver Cromwell, and vindicate themselves from all the falsehoods contained therein, especially those things wherein the

quarrels betwixt them and that party is misstated, as if they owned the late king's proceedings, and were resolved to prosecute and maintain his present majesty's interest, before and without acknowledgment of the sin of his house and former ways, and satisfaction to God's people in both kingdoms." Some of those who were most opposed to the king, sent a copy of this resolution of the estates to Cromwell, who, however, refused to hold any correspondence with those who acknowledged the king. The king saw there was no chance for him but yielding, and, after some of the more offensive expressions had been softened down, he signed the declaration. This document was known amid subsequent events as the "Dunfermline declaration." It gave apparent satisfaction, though many still believed that the king was insincere; but the committee was now enabled to continue its warlike preparations with more unanimity.

Cromwell remained with the army at Musselburgh, until he gave up all hopes of inducing Leslie to leave his entrenchments and fight, and then he attempted to draw him out by marching westwardly and cutting off his supplies; but Leslie, knowing the country better, was enabled to follow him and secure his supplies, without losing the advantage of position. A slight cannonading of each other in the neighbourhood of Collington was the only approach to an action which took place. The season was now advancing, and the English army was suffering considerably from sickness as well as from the want of provisions. Dunbar was the only good harbour between Leith and Berwick in which they could receive supplies from England, and, after consulting with a council of war, Cromwell determined on fortifying that place, establishing there his magazines and hospital, and making it if necessary his winter quarters. The Scots were possessed with very extravagant notions of the debilitated condition of the English army, and when it broke up and began its march towards Dunbar, they imagined that Cromwell was retreating into England, and they were so sure of the incapability of his soldiers to resist an attack, that their greatest anxiety was to hinder their escape. They, therefore, immediately put their army in motion to pursue them. Cromwell left Musselburgh for Haddington at night on the 31st of August, after sending off five hundred sick and wounded soldiers by sea. The Scots followed so

close that, while Cromwell was distributing a part of his troops in quarters at Haddington, they fell upon his rear-guard of horse with such impetuosity, that they threw them into instant confusion, and would probably have succeeded in cutting them off, had not the moon, which was shining brightly, become suddenly obscured with clouds, and the darkness enabled the English horse to join their main body. Another attack, on the west end of Haddington, was repulsed with ease, and the Scots, finding that they had been deceived in their notions of the reduced state of the English army, kept in future to the heights, where Cromwell was afraid to pursue them. Next day, Cromwell drew up his army in order of battle, but after waiting four or five hours to see if Leslie would accept the challenge, he continued his march towards Dunbar. The Scottish army moved forward at the same time, keeping the hills to the south, and threw forward a party who seized upon the pass of Cocksburn-path, "where," to use Cromwell's words, "ten men to hinder are better than forty to make their way," and which entirely cut him off from Berwick. Cromwell's position was now critical, for he was surrounded by the enemy, who had secured all the passes, so that, if provisions failed at Dunbar, his army, already reduced in effective numbers to twelve thousand, while the Scottish army consisted of twenty-seven thousand, must soon have been starved. An error on the part of the Scots deprived them of all these advantages.

Leslie was controlled to a certain degree in his operations by the committees of kirk and estates which accompanied the army. When Cromwell drew up his army in the fields near Dunbar, the Scots occupied the hills to the right in great force, which was continually increasing, so that they became so confident of the impossibility of the English escaping that "they boasted that they had them in a worse pound than the king had the earl of Essex in Cornwall." Thus they remained watching each other all day, and Cromwell himself informs us in one of his despatches that he felt that "this was truly an exigent." "The enemy lying in the posture before mentioned, having these advantages, we lay very near him, being sensible of our disadvantages, 'having some weakness in the flesh,' yet consolation and support from the Lord himself, that he would find out a way of deliverance and salvation for us." Meanwhile, the ministers

who accompanied the Scottish army, are said to have become impatient of delay, and partly, it was reported, through their influence the committee decided that Leslie, contrary to his own opinion, should leave the position he then occupied, and descend into a narrow passage between the mountains and the sea, where, by placing himself in the front of the English, he would more effectually bar their march to the south. The Scots still seem to have estimated at too low a rate the condition and strength of their opponents. Cromwell and Lambert were riding together to his head-quarters at the earl of Roxburgh's house at Broxmouth, when they observed the preparations of the Scots for this movement, and both were equally at a loss to understand their intentions. Cromwell immediately remarked to Lambert that, though he could not judge whether the Scots intended to attack them, or merely to change their position, he thought that it afforded them an opportunity to attack the Scots. Lambert thought so too, and Monk and other officers having been summoned in haste to a council of war, they all coincided in the same opinion, and orders were given through the army to be ready for battle next morning. The attack was to commence at daybreak, by six regiments of horse and three regiments and-a-half of foot, who were appointed to form the van, under the command of Fleetwood and Whalles. The word given in the English army was, "The Lord of Hosts," that of the Scots was "The Covenant." Leslie effected his movement in the course of the night, so that the break of day on the following morning found him drawn up in full strength in the pass at the foot of the hill which he had previously occupied.

On the morrow, which was the 3rd of September, through some mistake the advance of the English was retarded, and it was six o'clock when Fleetwood's cavalry gallantly attacked the Scots in the pass. The latter resisted bravely, and for some time the cavalry fought with their swords without advantage on either side. The first charge of the English foot was repulsed, but Cromwell's own regiment arrived and forced the Scots from their position in a desperate encounter with their pikes and the butt-ends of their muskets. Almost at the same time the English horse broke that of their opponents, and charged through them. At this moment the sun broke through the mist of an au-

tumnal morning which had hitherto enveloped the combatants, and Cromwell, seizing the omen in his characteristic style, exclaimed, "Now let God arise, and his enemies shall be scattered!" The words had not long left his mouth, when, perceiving the confusion which had spread itself through the Scottish army, he gave expression to surprise in the brief exclamation addressed to some of his officers, "I protest they run!" From the moment, indeed, of their first giving way, the confusion of the Scottish army seemed irremediable, and the rout soon became general. The very ground which had previously been their safeguard now contributed to their ruin, and unable to rally or almost to escape, they were hemmed in and cut down so easily, that Cromwell's language was not exaggerated when he said that "they were made by the Lord of Hosts as stubble to the swords of their enemies." Upwards of three thousand—some accounts say four thousand—were slain in the battle, and ten thousand were taken prisoners. The greater part of the cavalry escaped, but the ministers who were with the army found no mercy, for the English soldiery, believing them to be the chief cause of these new troubles, slew all they met with. The importance of the victory is manifested by the fact that two hundred colours, fifteen thousand stand of arms, and all the baggage and artillery, were taken by the victors.

The committee of the estates seem to have borne this disaster with manly fortitude. They were assembled at Stirling, whither David Leslie, with the remnant of the army which he had been able to keep together, directed his course. Charles was at Perth when he received the intelligence of Cromwell's victory, and he immediately addressed a letter to the estates in such a tone of feigned piety that it deserves to be preserved as a monument of hypocrisy far exceeding anything that has been laid to the charge of the puritans. "There is," he said, "nothing under the sun that is not subject to sudden and strange alterations; God Almighty is only unchangeable, and therefore it is that we are not consumed; and, of all the affairs in the world, nothing is subject to so many accidents as an army in matters of war. To-day, nothing so glorious and terrible as an army with banners; to-morrow, or in an hour's space, nothing so confused and so weak, when the terror of God falls upon them, and they turn their backs, and that the men of might find not their hands; then

that that was before goodly and dreadful, is in an instant despicable and contemptible. We cannot but acknowledge that the stroke and trial is very hard to be borne, and would be impossible for us and you in human strength; but in the Lord's we are bold and confident, who hath always defended this ancient kingdom, and transmitted the government of it upon us, from so many worthy predecessors, who in the like difficulties have not fainted; and they had only the honour and civil liberties of the land to defend, but we have, with you, religion, the gospel, and the covenant, against which hell shall not prevail, much less a number of sectaries stirred up by it. We acknowledge that what hath befallen is just from God, for our sins, and those of our house, and of the whole land, and all the families in it, have likewise helped to pull down the judgment and to kindle the fierce wrath. We shall strive to be humbled, that the Lord may be appeased, and that he may return to the thousands of his people, and comfort us according to the days that we have been afflicted, and the days that we have seen evil." At the very time when this letter was written, we learn from the contemporary writers of his own party—indeed, from his own friends—that Charles in secret among his confidential associates was exulting in no measured terms over the wholesale destruction of the covenanters, which he looked upon as one of the most fortunate accidents that could have happened to him.

Cromwell spoke of his victory without exultation. He professed to lament over the consequences which had fallen upon the Scots for their own blindness, declaring that it was his longing desire to avoid blood, "by reason that God had a people in Scotland fearing his name, though deceived." There can be little doubt that at this time his desire to act conciliatorily towards the Scots was sincere; but he did not on that account neglect to secure the fruits of his victory, and advancing immediately to Edinburgh, both the capital and its port of Leith opened their gates to him without an attempt at resistance. The ministers of Edinburgh took refuge in the castle, and refused to surrender or come out, although the victor offered them freedom and protection in the exercise of their spiritual functions.

It is probable that the committee of estates itself was now sufficiently acquainted with the disposition of their king not to place any faith in his promises and professions,

and that they were at least partially informed of his secret sentiments, and of the intrigues of his friends; and against these latter at all events they were resolved to commence more rigorous proceedings. From Stirling they issued a declaration and warning to the people, whom they exhorted to bear their present calamities with resignation, and to prepare for the future with courage and unanimity; exhorting them to withstand with equal resolution the invasion of the enemy and the intrigues of the malignants at home. The committee followed up this proclamation by a resolution to purge the court of all "profane, scandalous, malignant, and disaffected persons," and a number of the more obnoxious of the king's personal attendants were ordered to quit the court within twenty-four hours and the kingdom within twenty days, and these orders were rigorously enforced, in spite of Charles's urgent intercession for delay. The king believed, or pretended to believe, that this sudden removal of his confidential attendants was a preliminary step towards delivering him up to the English, and this belief led to the premature explosion of a plot which was in secret preparation for the overthrow of the presbyterians. It appears that this conspiracy had been organised chiefly by the king's friends in the north. On a day which was to be arranged beforehand, a thousand highlanders were to descend from the wilds of Athol, and seize upon the committee of estates in Perth. Dundee was to be secured by its constable, lord Dudhope; while lord Ogilvy was to head an insurrection in Angus, and Middleton and Huntley were to appear in arms in the north. The king was at the same time to make his escape, and place himself at the head of the insurgents. But the whole plan was disconcerted by the precipitate conduct of the king. The day after that on which his "malignant" attendants were ordered to quit the court, he rode out of Perth, attended by some confidential domestics, for the purpose, as he stated, of amusing himself with hawking: but he had no sooner passed the south inch, than he fled at full gallop in the direction of Dundee, and never stopped till he reached the house of Dudhope, in the immediate neighbourhood of that town. He was received there by the earl of Buchan and lord Dudhope, but, as the rising in Angus had not taken place, they could only procure him a miserable escort of ragged highlanders, who conducted him to a

wretched cottage belonging to the laird of Cliva, where he was lodged in a small dirty room, with nothing of furniture but an old bolster laid upon a mat of rushes. Here he was discovered by colonel Montgomerie, who had been sent after him with a guard by the committee of the estates, and who conveyed him first to Huntley-castle, and thence next day to Perth, where, it being Sunday, he was welcomed with a "comfortable" sermon, delivered by one of the ministers in the presence-chamber. This ill-advised attempt to escape from the influence of the covenanters, was termed "the start." Though ridiculous enough in itself, it exercised an important influence on the events which immediately followed.

After the defeat at Dunbar, Leslie, who in spite of some opposition had been reinstated in the command of the army, had laboured with so much success in preparing the means of defence, that when Cromwell advanced to Stirling, in the hope of making himself master of that important post, he found the entrenchments so complete and so skilfully planned, that he relinquished all hope of reducing it, and returned to his quarters, which were then at Linlithgow. Here he remained watching the course of events, until news came of the king's "start," upon which, on the 9th of October, he wrote a conciliatory letter to the committee of the estates, in which he told them how the "grounds and ends" of his entering Scotland with an army had been often clearly explained to them, as well as how much he had desired to avoid the effusion of blood. "But according to what returns we have received," he proceeded to say, "it is evident your hearts had not that love to us as we can truly say we had towards you; and we are persuaded those difficulties in which you have involved yourselves, by espousing your king's interest, and taking into your bosom that person in whom, notwithstanding what hath or may be said to the contrary, that which is really malignancy and all malignants do centre; against whose family the Lord hath so eminently witnessed for blood-guiltiness, not to be done away with by such hypocritical and formal shows of repentance as are expressed in his late declaration; and your strange prejudices against us, as men of heretical opinions, which, through the great goodness of God to us have been unjustly charged upon us, have occasioned your rejecting those overtures, which with a christian affection were offered to you before any

blood was spilt, or your people had suffered damage by us. The daily sense we have of the calamity of war lying upon the poor people of this nation, and the sad consequences of blood and famine likely to come upon them; the advantage given to the malignant, profane, and popish party by this war, and that reality of affection which we have so often professed to you, and concerning the truth of which we have so solemnly appealed, doth again constrain us to send to you, to let you know that if the contending for that person be not by you preferred to the peace and welfare of your country, the blood of your people, the love of men of the same faith with you, and above all the honour of that God we serve; then give the state of England that satisfaction and security for their peaceable and quiet living by you, that may in justice be demanded from a nation giving so just ground to ask the same from those who have, as you, taken their enemy into their bosom whilst he was in hostility against them; and it will be made good to you, that you may have a lasting and durable peace with them, and the wish of a blessing upon you in all religious and civil things. If this be refused by you, we are persuaded that God, who hath once borne his testimony, will do it again, on the behalf of us his poor servants, who do appeal to him whether their desires flow from sincerity of heart or not." Before an answer could be returned to this letter, the king had been brought back to Perth; his hypocritical apology for his flight, which he ascribed to "the wicked counsel of evil men," had been accepted; and the committees of the estates and the kirk, remaining true to their blind loyalty to this worthless prince, rejected Cromwell's offers of conciliation.

The immediate effect of the "start" was to make wider the division between the two parties among the Scots. The party which held the reins of government seemed to become more willing to be deceived; as the deception practised upon them by their king became more apparent. Delighted with Charles's assurance, "that he trusted in God this unhappy business would be a lesson to him all the days of his life," they treated with coldness the warnings of all who ventured to hint at the dangerous rashness of their proceedings, and went so far as to pass an act of indemnity for all such as in the north had risen in consequence of the conspiracy for his escape. The king himself continued to use the hypocritical tone which he had

assumed, and when some of the "heritors" of Fife showed an inclination to rise against the presbyterian government, he addressed a letter to them expressed in terms of such exaggerated penitence that we can hardly imagine it would deceive anybody. "Lest any should be deceived concerning our late leaving this place," said the king, "and thereupon may have taken or may take occasion not to do their duties, according to the orders of the committee, we declare unto you that we are grieved that we should have listened to the suggestions of some wicked persons that were about us, and that we gave any credit or belief to the calumnies they forged for their own sinister ends. We have seen the evil of the way they were leading us into, and now discern the folly and madness of it, and are more assured and confirmed of the fidelity and integrity of them that these malicious men would have given us ill impressions of, and are resolved absolutely to adhere and rely upon their counsels, for we see they tend to the public good and our service, and the other seek but us for their own ends." If the division of the presbyterians who were led by Argyle, and identified with the present government, did not believe in the king's professions, they at least thought that they had succeeded in making him a mere instrument in their hands which they could direct at their will.

The other party of the presbyterians, whose strength lay in the west and south, were not deceived, but were at this moment raising their voice against the rash proceedings of the government. This party had been from the first adverse to the recall of Charles until they had received some more substantial proofs of his change of principles, and without some strong guarantees for the liberties of the kingdom. They had watched the whole course of Charles's duplicity, from his unprincipled conduct in sending Montrose to excite rebellion against the government with which he was negotiating, and then disowning and abandoning him when he was defeated, and they now met together and discussed freely the causes of the country's miseries, and the means of remedying them. After the battle of Dunbar, they associated together and raised a strong body of horse for their defence, which they placed under the command of colonels Strachan and Kerr. Cromwell, who was still anxious to conciliate, immediately turned his eyes to the increasing agitation in the west, and thither he now marched with the main body

of his forces. He found the country on his route wasted and desolate, and he endeavoured to conciliate the population by administering to their wants from his own stores, and by encouraging subscriptions among his officers for their relief. He acted in the same conciliatory manner to the leaders of the western presbyterians, listening with respect to their preachers, and entering into friendly debates with them. On his approach, the force under Strachan and Kerr withdrew to Dumfries, on the pretence that while posted there they cut off the advance of reinforcements to the English army from Carlisle; and thus Cromwell's march to Glasgow, and his return thence to his old quarters, were not accompanied with any acts of hostility.

While Cromwell was at Glasgow, the leaders of the western presbyterian party assembled at Dumfries were employed in drawing up a straightforward and manly remonstrance to the committee of the estates on the posture of affairs into which they had brought the kingdom by the hasty and rash manner in which they had recalled the king. This remonstrance, after being revised and enlarged, was presented to the committee shortly before the meeting of parliament. The remonstrants complained that after so many notorious acts which proved that Charles was walking in the steps of his father, and after he had actually given his commission to that "apostate rebel, James Grahame," (Montrose,) the commissioners should have received the king without any good evidence of his repentance, or of the reality of his professions, and without any guarantee against deception and treachery on his part. They said that "there was too great haste and precipitation, in bringing forward a second address to the king, after the first had been rejected, and when they had information that he had given a commission to invade the kingdom; and unaccountable folly in continuing it, after his duplicity was fairly discovered in the actual invasion under his warrant during the treaty; but above all, in concluding it after the parliament was in possession of his letters, discovering his firm adherence to his former principles, and his resolution to make use of the forces levied by James Grahame. Yet, notwithstanding this agreement, for which they and many in the land had mourned, they (the remonstrants) had waited to discover whether the king had at last really joined interest with the people; but now

they had clear evidence that the estates had been deceived and ensnared by his dissembling, by his cleaving to the malignants within the kingdom, and his corresponding with those without, such as Ormond and Newcastle; his pursuing the same designs since the treaty as before, and his privately conveying himself away with the malignants, who had, ever since his coming to the country, waited for that opportunity, and with whom he had held a correspondence with the design of their rising again in arms. They, therefore, disclaimed all the guilt of the king and of his house, both old and late, and declared they could not own him or his interest in the state of the quarrel betwixt them and the enemy. But for remedying what was past, and to prevent similar mischief in future, they recommended to the estates to reflect, whether the king's refusing to forsake associating with malignants, notwithstanding the resolutions both of kirk and state to the contrary, his not having performed the satisfaction promised by him in the treaty, nor ruling according to the counsels of the kingdom, but forsaking them, to join with counsels and forces which he was bound to abandon, be not such a break of all his promises, and such a discovery of his hatred to the cause and covenant, as gives good ground not to intrust him with the exercise of sovereign power; and whether an effectual course ought not to be taken for the trial of the last malignant design of the king's deserting the public counsels, and of all those who had accession to it; and they implored them to consider that, if it were a sin in them to entrust power into the hands of a king unworthy to reign over their own nation, how much more aggravated the guilt would be in endeavouring to impose such a ruler on England, where his power would be increased." There were homely truths in this remonstrance, which excited no little agitation in the committee of estates, and were the subject of rather stormy discussion. Some of the more violent, among whom the earl of Eglintoun stood foremost, insisted on a vote declaring the remonstrance scandalous and treasonable, and ordering it to be burnt by the common hangman. Others, who felt the force of the truths which it contained, were in favour of a conciliatory reply, or of referring it altogether to the commissioners of the kirk. Argyle himself, however, was in favour of giving at once a strong reply, and referring to the committee of the kirk that part of it which related to religion;

and at last the committee agreed upon a declaration "that the said paper, as it relates to the parliament and civil judicatories, is scandalous and injurious to his majesty's person, and prejudicial to his authority; and in regard of the effect it hath already produced, and those that are like to follow thereupon, if not prevented, it holds forth the seeds of divisions of a dangerous consequence; and that it is dishonourable to the kingdom, in so far as it tends to a breach of the treaty with his majesty at Breda, also strengthens the hands of the enemy, and weakens the hands of honest men; yet because divers honest, faithful, and religious gentlemen, officers, ministers, and others, of approved fidelity and integrity in the cause, of whom the committee could not harbour the least thought to their prejudice, had been ensnared, the king and committee declare the said persons free from any imputation upon their names or censure upon their persons or estates, except they should after this declaration persist in prosecuting what is contained therein contrary to the laws of the kingdom." There was evidently concealed under this declaration a fear of provoking too far the hostility of the western party; and indeed their remonstrance, no less than the "start" itself had carried division of opinion even into the bosom of the committee. It seems in the end to have been resolved to refer the whole matter to the parliament, which was now soon to meet; and the remonstrance was communicated to the committee of the kirk, that their sense of it might also be laid before the estates. But the commissioners of the kirk were more inclined to be favourable to the views of the remonstrants than those of the estates had been, and the declaration which they, after some debate, resolved upon, was at all events far more favourable to them. Their declaration ran as follows:—"The commission having taken into consideration the said remonstrance, doth find and acknowledge therein to be contained many sad truths in relation to the sins charged upon the king, his family, and the public judicatories, which also we are resolved to hold out and press upon them in a right and orderly way, together with such other sins as we find by impartial search and the help of the Lord's spirit upon our endeavours therein, that they may take with them, and be humbled before the Lord in the sense thereof. We do find it our duty to show that, in respect there seems to be therein intrenching upon some

conclusions and determinations of the general assembly, and in respect of inferences and applications made therein in relation to the king's interest and the exercises of his power and government, and in regard of the engagements which in the close thereof they declare to be upon their hearts before God in relation to evidences for remedying the things contained in it, we are dissatisfied therewith; and that we think it apt to breed division in kirk and kingdom, as we do find already in part by experience, and that the enemy hath taken advantage thereat; and because of the tender respect and love we owe and most cordially carry to the gentry, officers, and our brethren of the ministry, who have concurred in the said remonstrance, as being religious and godly men, and such as have always given proof of their integrity, faithfulness, and constancy in the cause of God, and for entertainment of love, unity, and conjunction among the people of God, in acting according to their calling and station against the public enemy, the breach of all which Satan at this time is eagerly driving at, and the enemy is greedily desiring and expecting, we do resolve to forbear a more particular examination of the said remonstrance, expecting that at the next diet of this commission, these worthy gentlemen, officers, and brethren, will give such a declaration and explanation of their intentions and meaning as may satisfy both kirk and state, without any further inquiry or debate thereupon."

The Scottish parliament at length assembled in the midst of a general and ominous gloom; for a powerful enemy was in possession of one part of the kingdom, while increasing divisions distracted and weakened the other, and those who alone were capable of remedying the evil were only deceiving themselves and each other. The earl of Loudon was chosen president, and for the first time for some years the throne was occupied by a king. Charles opened the parliament with the following very brief speech:—"My lords and gentlemen,—It hath pleased him who ruleth the nations, and in whose hands are the hearts of kings, by a very singular providence to bring me through a great many difficulties into this my ancient kingdom, and to this place where I may have your advice in the great matters that concern the glory of God and the establishment of my throne, and that relate to the general good and common happiness of these three covenanted kingdoms over which he

hath set me; and truly I cannot express the height of that joy wherewith he hath filled my soul from this signal experiment of his kindness, nor how strong and fervent desires he hath created in me to evidence my thankfulness by standing to reign for him and with a humble and just subordination to him. That which increaseth my hope and confidence that he will yet continue to dwell graciously with me, is that he hath moved me to enter in covenant with his people, a favour no other king can claim, and that he has inclined me to a resolution, by his assistance to live and die with my people in defence of it. This is my resolution: I profess it before God and you; and in testimony hereof I desire to renew it in your presence, and, if it shall please God to lengthen my days, I hope my actions shall demonstrate it. But I shall leave the enlargement of this, and what farther I could say, to my lord chancellor, whom I have commanded to speak to you at greater length, and likewise to inform you of my sense not only of the folly but of the sinfulness of my going from this place, and the reasons of it." Accordingly, when the king had concluded, the earl of Loudon arose, and addressing the parliament, gave them the king's explanation of his "start," his pretended reasons for it, and his great remorse and penitence on account of it, as the king himself had stated them to the committee. This "start," indeed, had been one of the most impolitic of Charles's acts, and, by adding to the grounds of dissatisfaction of those who were already opposed to the incautious manner in which he had been admitted to the crown, added greatly to the existing division and disunion. The remedy for these was one of the most important subjects of discussion in this parliament, and a committee was appointed to take it into consideration and to prepare for the coronation. Two fasts were appointed to precede that ceremony, one of which was expressly "for the sins of the king, his family, and nobility."

Between the meeting of parliament and the coronation, Scotland had to experience two new disasters. The first occurred in the west, whither the estates, in order to gain an influence over the remonstrants, sent some troops to join with those of the associated shire, and gave the command of the whole to one of their own officers, colonel Montgomerie. Strachan, who was very strongly adverse to the proceedings of the

parliament, and had recommended negotiations for Cromwell, threw down his commission when he learnt that he was to be placed under the command of Montgomerie; and Kerr, left sole in command until that officer's arrival, resolved upon signalling himself by some exploit before he came. Cromwell had sent general Lambert, with a portion of his forces, to hold the west in check, and he had marched to Hamilton. Kerr had received information underrating considerably Lambert's numbers, and represented them as laying carelessly about Hamilton in unsuspecting security, and he resolved to attack them by surprise. With this resolution, he made a rapid march, and came suddenly upon their quarters at four o'clock in the morning of the 1st of December. But Lambert, who was superior in numbers to his assailant, was also on his guard, and Kerr's attack was not only repelled, but his whole force, consisting of from five to six thousand cavalry, was defeated and dispersed, and he was himself wounded and taken prisoner. A few only rallied again in Kyle, but they were persuaded by Strachan to return to their homes, and Strachan himself quitted a cause with which he was disgusted and of which he despaired, and went over to Cromwell.

A little more than three weeks after Kerr's defeat, the castle of Edinburgh surrendered to Cromwell. This fortress, which was especially important to either party in their present positions, had been well provisioned for a siege, and there was believed to be so little probability of its being taken, that the records of the country and the more valuable property of the inhabitants of the surrounding districts had been deposited in it for security. Cromwell had as yet made no impression on it, although it had been closely besieged since the city fell into his hands after the battle of Dunbar; and on the 13th of December, a German officer in Charles's service, named Augustin, had succeeded in breaking through his lines and conveying into the castle supplies and a reinforcement of men. Nevertheless only a few days afterwards, Dundas, the governor, entered into negotiations with the besiegers. At first he made great difficulties, and wrote rather long letters, which were answered argumentatively, and with considerable patience; but Cromwell soon found that this way of proceeding led only to delay, and, on the 23rd of December, he wrote to the governor a brief but characteristic letter, as follows:—"Sir, all that I have to say is

shortly this: that if you will send out commissioners by eleven o'clock this night, thoroughly instructed, and authorised to treat and conclude, you may have honourable terms, and safe to you and those whose interests are concerned in the things that are with you. I shall give a safe conduct to such whose names you shall send within the time limited, and order to forbear shooting at their coming forth and going in. To this I expect your answer within one hour." Next day the castle was surrendered, on condition that the public records and all public property should be conveyed safe to Fife or Stirling; that all private property, lodged in the castle for security, should be restored to its rightful owners; that the governor and garrison should march out with the honours of war, and be at full liberty to retire with a free pass to Burntisland, or wherever they please, or to remain in the city of Edinburgh, without molestation. Considering that the besiegers had already begun to mine, and that the garrison had little hope of succour, these conditions cannot be considered as otherwise than favourable. But the Scottish government, to whom the loss was a great mortification, ascribed it to treason on the part of the governor. Cromwell rejoiced at it as an event which had cost him little, but which would leave him at full liberty to dispose of the whole of his forces at the beginning of the ensuing campaign. He found in the castle sixty-seven guns of different sizes.

Kerr's defeat had already increased the general alarm, but it was dexterously seized upon by the government, who had a majority in parliament, among whom were many of the old engagers or Hamiltonians, to bring many of the king's friends into the army, at a time when it was said that the necessity of the service was too great to allow them to be refused. Since the presentation of the western remonstrance, there had been less cordiality between the government and the commissioners of the kirk, and the latter, after having reported on the remonstrance from the west, had given in a modified remonstrance of their own. When news came of Kerr's disaster, the committee appointed by the estates to consider who might be proper persons to admit into the service, called upon the moderator of the general assembly, Mr. Robert Douglas, to summon an extraordinary meeting of the committee of the kirk, in order to obtain their advice as to who should be admitted into the service,

and who rejected, in the present extremity of affairs. Douglas saw that the object of this summons was to draw the representatives of the church into an approval of a breach of the act of classes, and he refused to call the extraordinary meeting, on the plea that the regular meeting would take place in a few days. The committee of the estates knew that those who formed the majority at an ordinary meeting of the church committee were against them, and they therefore insisted with some sharpness on the calling of the extraordinary meeting, at which they expected that those most opposed to them would be absent. They, however, tried to appease the commissioners by returning a rather humble answer to their remonstrance, admitting the justice of their reproofs, lamenting their many sins, and promising reformation. A sufficient number of the commissioners to form a meeting capable of acting were with difficulty brought together, and these were, as was expected, mostly persons more inclined to yield to the present government than their colleagues. The question then put to them was, "what persons were to be admitted to rise in arms, and to join with the forces of the kingdom; and in what capacity for defence thereof against the armies of the sectaries, who, contrary to the solemn league and covenant and treaties, have most unjustly invaded and are destroying the kingdom?" After some discussion, this committee returned an answer which was sufficiently favourable for their purpose. "In this case of so great and evident necessity," they said, "we cannot be against the raising of all fencible persons in the land, and permitting them to fight against this enemy for defence of the kingdom; excepting such as are excommunicated, forfeited, notoriously profane or flagitious, or such as have been from the beginning, or continue still and are at this time, obstinate and professed enemies and opposers of the covenant and cause of God; and, for the capacity of acting, that the estates of parliament ought to have, as we hope they will have, special care that in this so general a concurrence of all the people of the kingdom, none be put in such trust and power as may be prejudicial to the cause of God; and that such officers as are of known integrity, and affection to the cause, and particularly such as have suffered in our former armies, may be taken special notice of." The estates now passed an act for raising and arming all men capable of bearing arms between sixteen and sixty

years of age, and the levies were carried on with all possible activity. The old royalist officers now presented themselves in considerable numbers, and, making mere professions of repentance, were received without any evidence that that repentance was sincere, and allowed to return to their former rank in the army. The presbyterians only found, when application was made of the new licence, how completely they had undermined themselves, and the consequence was a very violent debate in the estates; but the high-royalists had already obtained so much influence, that the question was carried in their favour, and in the appointment of colonels, men were admitted who had served under Montrose and who had been declared rebels twice within twelve months. This was so bold a proceeding, that next day the lord chancellor Loudon protested against it, and new and repeated debates occurred, more violent even than that which had preceded, but they only ended in an arrangement by which great numbers of malignants found admission to the army. As officers, they of course found access to the king's person, and in this way the high-royalists soon appeared in the royal household, in the parliament, and in the council.

Amid these disasters and ominous discontents came the 1st day of January 1651, which was the day fixed for the coronation. This ceremony was performed at Scone, with a degree of pomp that ill consorted with the circumstances which surrounded it. The king, clad in the robe of a prince, was led from his bedchamber in the morning, between the constable and the marshal, on his right and left, to the chamber of presence, where the earl of Angus, as chamberlain for the day, placed him in a chair of state, under a canopy. When he was seated, the nobles and the other members of the estates were presented to him in their order. The lord chancellor Loudon then addressed him in the following words:—"Sir, your good subjects desire that you may be crowned, as the righteous and lawful heir of the crown of this kingdom; that you would maintain religion as it is presently professed and established, conform to the national covenant, and the league and covenant, and according to your declaration at Dunfermline in August last; also, that you would be graciously pleased to receive them under your highness's protection, to govern them by the laws of the kingdom, and to defend them in their rights and liberties by your royal

power; offering themselves in the most humble manner to your majesty, with their vows to bestow land, life, and what else is in their power, for the maintenance of religion, for the safety of your majesty's sacred person, and maintenance of your crown; which they entreat your majesty to accept, and pray God Almighty that for many years you may happily enjoy the same." The king replied,—"I do esteem the affections of my good people more than the crown of many kingdoms, and shall be ready, by God's assistance, to bestow my life in their defence, wishing to live no longer than I may see religion and this kingdom flourish in all happiness." The king then went in procession from the presence-chamber to the church, the earl of Eglintoun carrying the spurs, the earl of Rothes the sword, the earl of Crawford and Lindsay the sceptre, and the marquis of Argyle the crown. As before, the constable and marshal were on his right hand and left. His canopy of state, which was of crimson velvet, was carried by six sons of earls, and four lords bore his train. Mr. Robert Douglas, one of the ministers of Edinburgh, and moderator of the committee of the kirk, preached the sermon, taking his text from 2 Kings, xi., 12, "And he brought forth the king's son, and put the crown upon him, and gave him the testimony: and they made him king and anointed him; and they clapped their hands, and said, God save the king!—And Jehoiada made a covenant between the Lord and the king and the people, that they should be the Lord's people; between the king also and the people." The preacher dwelt upon the principles of limited and constitutional monarchy, and of the duties of a king to his people; warned Charles against imitating the sins of his grandfather, and told him that many doubted of his sincerity in taking the covenant, and urged him to give the lie to these reports by his own steadfastness and constancy. After the sermon, the national covenant and the solemn league and covenant were read aloud, to which the king, kneeling, and with great solemnity, swore in the following words:—"I, Charles, king of Great Britain, France, and Ireland, do assure and declare by my solemn oath, in the presence of Almighty God, the searcher of hearts, my allowance and approbation of the national covenant, and of the solemn league and covenant, above written; and faithfully oblige myself to prosecute the ends thereof in my station and calling; and that I, for myself and suc-

cessors, shall consent and agree to all acts of parliament enjoining the same, and establishing presbyterial government, as approved by the general assemblies of this kirk, and parliament of this kingdom; and that I shall give my royal assent to acts and ordinances of parliament passed, or to be passed, enjoining the same in my other dominions; and that I shall observe these in my own practice and family, and shall never make opposition to any of these, or endeavour any change thereof." The king then subscribed the covenants, and his oath, written on a roll of parchment, as the charter by which he held his crown from the people; and ascending a stage erected in the church, took possession of the royal throne, which had been placed there for him. He was then formally presented to the people by the lyon-king-at-arms, who asked them if they were willing to have him for their king, and they shouted, "God save king Charles the Second!" When he had resumed his seat he was asked if he was willing to take the coronation oath, and having answered in the affirmative, the act and oath were read by lyon-king as follows:—"Because that the increase of virtue, and suppressing of idolatry, craveth that the prince and the people be of one perfect religion, which, of God's mercy, is now presently professed within this realm; therefore it is statuted and ordained by our sovereign lord, my lord regent, and three estates of this present parliament, that all kings, princes, and magistrates whatsoever, holding their place, which hereafter at any time shall happen to reign and bear rule over this realm, at the time of their coronation and receipt of their princely authority, make their faithful promise in the presence of the eternal God, that, enduring the whole course of their lives, they shall serve the same eternal God, to the uttermost of their power, according as he hath required it in his most holy word, revealed and contained in the New and Old Testaments; and according to the same word, shall maintain the true religion of Christ Jesus, the preaching of his holy word, and due and right ministration of the sacraments now received and preached within this realm, and shall abolish and gainstand all false religions contrary to the same; and shall rule the people committed to their charge according to the will and command of God, revealed in his foresaid word, and according to the loveable laws and constitu-

tions received in this realm, nowise repugnant to the said word of the eternal God, and shall procure to the uttermost of their power, to the kirk of God and whole Christian people, true and perfect peace in time coming; the rights and rents with all just privileges of the crown of Scotland to preserve and keep inviolate; neither shall they transfer nor alienate the same. They shall forbid and repress, in all estates and degrees, rife, oppression, and all kinds of wrong; in all judgments, they shall command and procure that justice and equity be kept to all creatures without exception, as the Lord and Father of Mercies be merciful unto them; and out of their lands and empires they shall be careful to root out all heretics and enemies to the true worship of God that shall be convict by the true kirk of God of the foresaid crimes, and that they shall faithfully affirm the things above written by their solemn oath." This oath was tendered to the king by the minister, Mr. Robert Douglas, and Charles took it in the most impressive manner, adding,— "By the Eternal and Almighty God, who liveth and reigneth for ever, I shall observe and keep all that is contained in this oath." The robes of a prince were then taken from the king, and he was arrayed in his royal robes by the lord chamberlain; the sword, with due ceremonies, was girt on his side by the constable; and the marquis of Argyle placed the crown on his head, after a short prayer had been offered up, "that the Lord would purge the crown from the sins and transgressions of them that did reign before him; that it might be a pure crown; that God would settle it upon the king's head, and since men that sat it on were not able to settle it, that the Lord would put it on and preserve it." The nobles now, summoned according to their rank by a herald, took the oath of allegiance, and the oath being read to the people, they all held up their hands. When this part of the ceremony was over, the nobles put on their coronets, and the earl of Crawford and Lindsay placed the sceptre in the king's hand. These proceedings had taken place in the body of the church, but the king now ascended the scaffold again, the sword, drawn from its scabbard, being carried before him by the constable, and he was installed in the throne by the marquis of Argyle. After some further exhortations, the king showed himself to the people without the church, and was greeted with the

same acclamations of "God save king Charles!" On his return to the throne, the nobles were introduced to take the oath of fealty, after which the minister pronounced a blessing, and the whole ceremony was concluded with a solemn address to the king, nobles, and people, on the obligations they had severally entered into, and the crime

and danger of breaking or neglecting their oaths and promises. Amid all the splendour of this ceremony, people's countenances betrayed anxiety and gloom, occasioned not more by the miserable condition of the kingdom, than by suspicions of the king's sincerity and anticipations of the influence of the malignants.

CHAPTER XX.

INCREASING INFLUENCE OF THE "MALIGNANTS;" PROGRESS OF CROMWELL; BATTLE OF WORCESTER; SCOTLAND UNDER CROMWELL; CROMWELL'S DEATH; RESTORATION OF CHARLES II.

HAVING now made himself sure of the crown, Charles soon began to show the presbyterians how little favour they were likely to receive from him, the moment that he could free himself from their trammels. At the meeting of parliament in the month of March, the lord Burghley, a royalist, was elected president, and the lord chancellor Loudon set aside. The courtiers next obtained a vote of censure on Mr. James Guthrie, minister of Stirling, for his opposition to the resolutions relating to the appointments of officers in the army. They then proceeded to procure the admission of the high-royalists into the committee of the estates; and a committee was appointed for the management of the army, in which the majority was so entirely in the hands of the "malignants," that Argyle and those who had shared in power with him were left entirely without influence. There was a violent debate on this measure, in which the king, being present, took part more than once, and he was plainly reproached with the desertion of those friends who had brought him to the throne, and with the violation of his most solemn assurances and oaths. A formal dissent was given in, subscribed by fourteen noblemen, but it was not even allowed to be recorded; and the extreme royalists now requested the king to assume in person the command of the army, in assenting to which he assured them, "that he was confident there was none there that would distrust him, since he had as much at stake as any of them all, besides his oath to God, which was on him as their king, yea, their covenanted king." After this, parliament was

prorogued to the month of May, when it was held at Stirling, and, after obtaining an evasive answer rather than the assent of the kirk, an act was passed rescinding the act of classes. To overcome the difficulties of the finances, the nominal value of the currency was raised during this session. On the 6th of June, parliament was prorogued to the third Wednesday in November, after a committee of the estates had been appointed, a majority of whom belonged to the extreme division of malignants, and yet the king added to it, by his own mandate, his favourite Buckingham. But while the king was thus triumphing over those who had so blindly brought him to the throne, a severe chastisement was preparing for him in a quarter from which he seems not to have expected it.

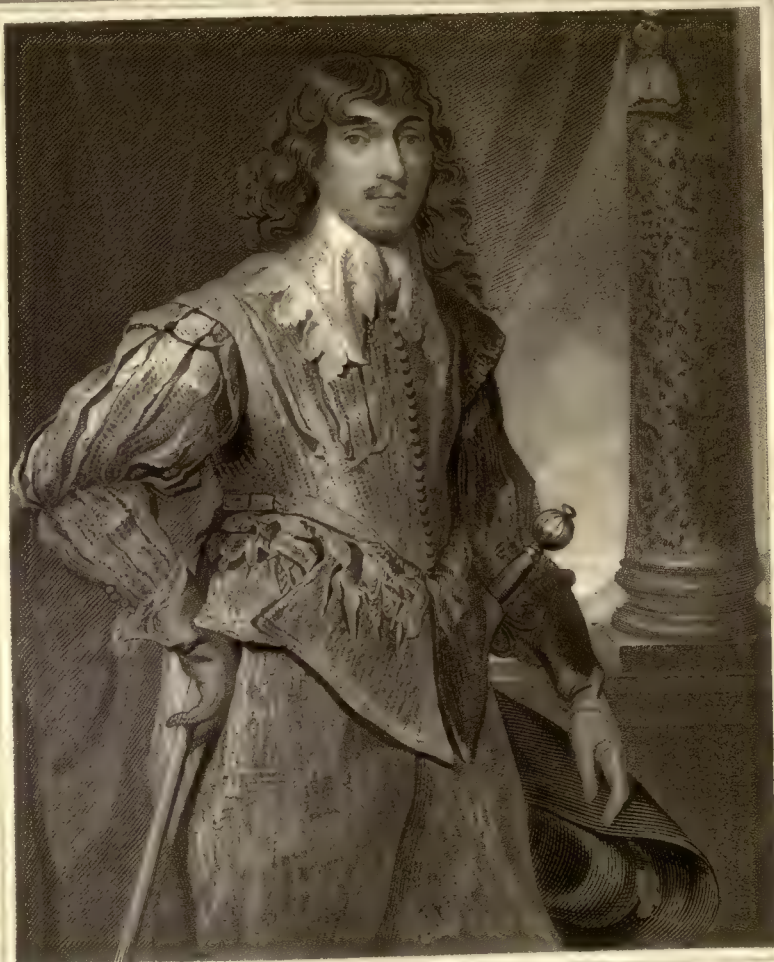
During the commencement of the year, the recruiting for the army had been carried on actively, and with so much success, that it was now equal in numbers to that which had protected Edinburgh before the disaster at Dunbar. Their position had been skilfully chosen, both for defence and for securing the command of the north, stretching from Stirling to the Torwood, and protected in front by the river Carron. Cromwell had been laid up with an ague during the winter, but as spring approached, he recovered his health, and with that his energies. It appeared as difficult to dislodge the Scots from their present situation, as it was in their position at Edinburgh, before the battle of Dunbar; and of several plans which suggested themselves to Cromwell, he selected that of an attack upon

Burntisland, the possession of which would give him the command of Fife. Leaving one portion of his army to make this attack, for which purpose he had collected boats at Leith and Musselburgh, he marched with the rest, which was the larger portion of his army, westward, to draw off the attention of the Scottish forces. Some skirmishes took place between the outposts of the armies, in which the English were generally defeated, but the attempt on Burntisland, which was strongly fortified, failed, and Cromwell, having satisfied himself that the Scottish position was too strong to be attacked in front, returned to his quarters about Linlithgow. But the Scots, while their attention was occupied with these movements of their skillful opponent, neglected the important passage of North Queensbury, which was surprised by colonel Overton, with a force of fourteen hundred men. The Scottish commander immediately saw his error in leaving this position so weakly defended, and he determined to retain it. For this purpose a strong body of troops, under Brown and Holborne, was dispatched from Stirling, but Cromwell had already sent powerful reinforcements under general Lambert, and in a very obstinate engagement on the heights, the Scottish detachment was defeated and almost destroyed, nearly two thousand being slain, and twelve hundred taken prisoners. In consequence of this victory, which was gained in the month of July, Burntisland and Inverkeithing fell into the hands of the English, and Cromwell, crossing the Forth with the bulk of his forces, soon made himself master of the whole of Fife; and when, on his first summons, Perth opened its gates to him, the position of the Scottish forces became very critical.

On the recommencement of hostilities, the king had taken the command of the army, and appointed the duke of Hamilton his lieutenant-general. David Leslie acted as major-general, and Middleton as general of the horse. The king had appointed general Massey to the command of the English royalists who had taken or were expected to take arms in his cause. The only advisers to whom the king now listened were his high-royalist friends, and they now represented to him, on one hand, the critical position of his army, which Cromwell, in consequence of his recent excesses, might now force to fight at disadvantage, and on the other, the advantages they imagined might be derived from transporting his own

army into England, where there were no forces to oppose his advance to the capital. They assured him that he had numerous adherents in England who only waited the moment to rise in his favour, and that the great mass of the population were anxious for any change which would deliver them from the present government. Charles, unfortunately for himself, listened to these counsels; and when Argyle expostulated on the folly of leaving a friendly people, who were ready to sacrifice themselves for him, for the very equivocal prospects of an invasion of England, and quoted the late duke of Hamilton's expedition as a warning, he was only reproached with cowardice, and allowed to retire from the court to his estates. Charles and his favourites now carried everything at their will, and at the beginning of August the Scottish army began to march into England. His force at this time was estimated at eighteen thousand men. When intelligence of this movement reached Cromwell, he hailed it with joyful surprise, for the king had done voluntarily that which his opponent aimed eventually at forcing him to do. He left a garrison in Perth, sent between five and six thousand men under general Monk to reduce Stirling, dispatched encouraging letters to the English parliament, telling them that the present movement of the Scottish army was similar to that which two years before had ended in their defeat at Preston (except that the king showed greater folly than that exhibited by the duke of Hamilton on the former occasion), and with the bulk of his army marched after the king.

The struggle was still going on between the king and the presbyterians, when the army crossed the border on the 6th of August, and the latter had so far shown their strength that the king found it necessary to indulge them by issuing a proclamation to forbid all the English royalists who would not take the covenant from joining the army. The king, however, sent private orders to Massey, who commanded the advanced guard, to suppress its publication; and when the presbyterians, who after all formed the bulk of the army, learnt this, they lost all the trust they had previously put in him. At Carlisle, Charles caused himself to be proclaimed king of Great Britain. He had gained several days' march in advance of Cromwell, who had, however, sent major-general Harrison and colonel Birch to hang upon his flanks, and harass



Engraved by H. R. Linnson

WILLIAM, DUKE OF HAMILTON.

OB. 1651.

FROM THE ORIGINAL OF MYTENS IN THE COLLECTION OF

HIS GRACE, THE DUKE OF HAMILTON.

his march, while Lambert followed with a considerable body of horse. At Warrington-bridge, a skirmish took place with Lambert, who was obliged to retreat with confusion, and the royalists exulted in an easy victory. But Leslie and the wiser of the leaders began already to have melancholy forebodings. The country had not risen, as was expected; and the expedition appeared to excite no sympathy in England, where, in obedience to the orders of the council of state, the militia was everywhere rising around them, and forces were collecting to oppose their progress. It was found necessary to abandon the idea of marching to London, and, as the Scottish army was now in need of repose, the king directed his course to Worcester, as the place which seemed to promise the safest quarters, while Massey could be sent thence to Gloucester, where it was supposed that his presence would cause a rising among the numerous royalists in those parts. When he reached Worcester, Charles's army was reduced to under sixteen thousand men. All the reinforcement he had received in his march consisted of a hundred horse, under a son of lord Howard; and at Worcester he was joined by lord Talbot and a few gentlemen of the royalist party. Soon after the king's arrival there, he was joined by the earl of Derby with thirty horse, all that remained of fifteen hundred men whom he had raised for the king's service, but who had been met and entirely defeated by a body of the parliament's troops under colonel Lilburne. The king was so much discouraged by this last event, that he proposed to go off with the horse from his army, and endeavour to force their way back to Scotland; but this senseless project was hindered by the foot, who mutinied, and declared that they would not suffer the cavalry to leave them, but that they would all fare alike.

The Scots had done all they could to strengthen the fortifications of Worcester, and resolved to make a desperate resistance; but they were now surrounded on all sides, for Cromwell had come with his army and joined the militia and the troops already collected there under Lambert, Harrison, and Fleetwood. He arrived on the 28th of August, and fixed the 3rd of September, the anniversary of the battle of Dunbar, for the attack on the Scots in Worcester. Early in the morning of that day, Fleetwood was to march upon Powick, from whence it was necessary to dislodge the Scots, but owing

to some hindrance he only arrived at between two and three in the afternoon, and the Scots, anticipating the attack, had time to draw a considerable force out of the town, with which they lined the hedges that intersected the ground in dispute. Fleetwood thus met with such a vigorous reception, that Cromwell himself was obliged to cross the river and hasten over to his assistance. The battle was fought here with the utmost desperation, but as the English forces employed in the attack kept continually accumulating, the Scots were at last forced back into the town. They there rallied, and marched out in great force on the opposite side of the town, hoping to destroy the division of the English army left there, before Cromwell could recross the river to its assistance. The battle raged here with great fury for three hours, and after various turns of fortune, success inclined to the Scots, when the arrival of new combatants on the part of the English turned the balance against them, and they were obliged to fall back upon their entrenchments, which were all carried by storm, and their defenders forced again into the town, the victors and the vanquished entering it together. It is said that Charles had remained in his lodging in Worcester, and taken no part in the combat, and that he was actually awakened from sleep by the confused noise of his flying troops. Informed of the state of things, he rushed into the street, made a feeble attempt to rally his men, and then mingled in the flight. The Scots had never fought with greater bravery than on this occasion, and they were overcome only by the superior discipline and greater numbers of their opponents. Cromwell himself acknowledged that it was the "stiffest" fight he had ever witnessed; but the victory was decisive. Three thousand Scots are said to have been slain, and from six to seven thousand taken prisoners in the town, the rest being mostly captured in the flight. The duke of Hamilton, who was taken, died next day of his wounds. The earl of Lauderdale, eleven other noblemen, and upwards of a hundred and forty persons of distinction, were also among the prisoners. There were taken on this occasion, the royal standard and a hundred and fifty-eight stand of colours, the whole of the baggage, the king's coach and horses, with his robes of state, and the collars of his orders. The common prisoners, like those taken at Dunbar, were

mostly sent away to the plantations in America.

The king, attended by a few of his courtiers, had passed out of Worcester by St. Martin's gate, and for some distance accompanied the fugitives. At length, however, he withdrew from the crowd under favour of the darkness, accompanied only by two attendants, whom also he dismissed at daybreak, after he had caused them to cut off his hair. When they had left him, he turned into a wood, and, as it is well known to every reader, remained concealed during the following day among the branches of an oak. The next two days he passed in a barn, covered with hay, and fed by a cottager, who was ignorant of his quality. Before leaving this asylum, he changed clothes with his protector. After considerable privations and suffering, he was rescued from both by the catholic families of the neighbourhood, who passed him from house to house, and concealed him in the secret lurking-places with which their houses abounded, until, after using various disguises, he reached Lyme-Regis, in Dorsetshire, where a ship had been provided for him. But some suspicions having arisen in the place, he was obliged to fly thence and resume his wanderings, in the course of which he passed through a regiment of horse, commanded by colonel Desborough, and had other hair-breadth escapes. At last he succeeded in getting on board a small vessel at a little fishing-town in Sussex, and next day, which was the 17th of October, he landed at Fecamp, in Normandy. Most of the courtiers who had at first accompanied him in his flight from Worcester, were captured by the parliamentarians, and many of them underwent long imprisonment. The earl of Derby was discovered and captured a few days after the battle, and being taken to his own town of Bolton, he was there brought to trial before a high court of commission, convicted of treason against the commonwealth, and beheaded.

When the news of this great disaster arrived in Scotland, it crushed the royalists, and gave a greatly-increased importance to the party of the remonstrants, by justifying their worst forebodings. A number of the ministers of Edinburgh held a day of humiliation, to implore the mercy of God upon their afflicted country, and to confess their sin in their too much compliance with their king. They afterwards held meetings to consult on terms of arrangement with Eng-

land, but division and disagreement among themselves stood in the way of any satisfactory result. Another committee, under the direction of lord Warriston, met privately to consult on the same subject, and were willing to yield the question of monarchical government, and to suppress the feudal influence of the aristocracy, as well as the political power of the ministers. But the victorious parliament seemed little inclined to stop in its course of success, and Scotland, completely drained of its soldiery, was unable to offer any prolonged resistance. Before Cromwell's "crowning victory" at Worcester, the only remaining strongholds of any importance in Scotland had fallen into the hands of the parliamentary troops. The highlanders, who were left to defend Stirling, yielded that important fortress to Monk on the 14th of August, on condition only of being allowed to return to their homes with the property entrusted to their protection as plunder. Dundee was expected to have made a resolute defence, and, in spite of the remonstrances of the ministers, the governor, Sir Robert Lumsden, refused to surrender; but it was taken by storm, in consequence it was said of the drunkenness of the garrison, and was given up to the indiscriminate plunder of the assailants, who committed every kind of outrage on the inhabitants, and carried off property to the value, it was reported, of two millions and-a-half, for all the riches of the surrounding country had been deposited there for security. The governor was put to death in cold blood by order of Monk, who sent the ministers of the town, and a number of members of the committee of the estates who had been seized at a meeting at Alyth, prisoners to London. Several of the leading men of the moderate royalist party, including the lord chancellor Loudon, the earl of Leven, lords Ogilvy and Crawford, and other noblemen, held a meeting to attempt the relief of Dundee, in the belief that it would be able to hold out, but in consequence of treachery they were surprised by colonel Allured at their place of rendezvous, and their levies dispersed. Such of the committee as had escaped, held a new meeting, and proposed to appoint the young earl of Huntley, who had been restored by Charles to his father's forfeited title, their captain, but on the approach of the enemy they dispersed and fled beyond the Spey, with the exception of Huntley and Balcarras, who remained and submitted to the English. The marquis of Argyle held

out almost alone, and, convinced of the desperate state of affairs, he sent proposals to Monk to stop the further effusion of blood; but the republican general returned for answer that he could not correspond with him without the authority of parliament. Argyle, after in vain calling upon the estates to meet in convention at Inverness, gathered his clan and prepared to organise a resistance in the highland fastnesses. His estates were invaded by major-general Dean, at the head of some regiments of horse and foot, but he was obliged to withdraw his troops through the absolute impossibility of procuring provisions in the desolated country. Returning, however, suddenly by sea, he surprised the marquis, who was lying sick in his castle of Inverness, and extorted from him a reluctant submission to the parliament of England.

With its now almost innumerable divisions, religious and political, Scotland, remaining independent of England, became a dangerous neighbour, and the English parliament sought to bring it under its own influence. This was to be done by what was termed an incorporating union. For this purpose, the lord chief justice St. John, sir Harry Vane the younger, major-generals Lambert and Dean, lieutenant-general Monk, colonel Fenwick, alderman Tichburn, and major Solloway, were appointed commissioners to Scotland, with instructions to treat with the people for establishing peace in the country, without any reference to the government, which indeed could now be scarcely said to exist. These commissioners, on their arrival in Scotland, found that kingdom in a deplorable state of anarchy. The action of the courts of justice was suspended. Edinburgh and many of the principal towns were without magistrates, for, in the state of things, nobody would venture to assume an office which might make him liable for the debts of the community, while there was no visible power to which he could look for legal remedy. A committee of the citizens of Edinburgh went to the English commissioners on their arrival at Dalkeith, and coupled with an invitation to their city a request for the restoration of their magistracy. This request was acceded to, and a new charter was given. Dundee followed the example of Edinburgh, and obtained the same result. It is understood that in such cases the commissioners made it a condition that the new magistrates should choose deputies to treat on the union of the two countries. The ministers of the kirk formed

the only body which possessed any considerable energy, and they were divided among themselves. The remonstrants, who formed a strong body, were favourable to a union with England, because, with clearer views than their brethren of the dangers which they had just escaped from royalty in the person of Charles II., they looked upon this union as a guarantee against civil and ecclesiastical persecution. The other party, who still pretended to believe in the sincerity of the king's conversion to the covenant, and looked upon him as their lawful king, were naturally opposed to the union, independent of their hostility to the "sectaries." Cromwell, with his characteristic spirit of toleration, and well aware of the evil effects which had already been produced in Scotland by the political power of the kirkmen, had already, in all parts where he had established his power, forbidden the imposition of any covenant by the church without the sanction of the English parliament, and had ordered that no civil officer should molest the persons or estates of, or prevent others from holding intercourse with, those who might be excommunicated by the church. The ministers took the alarm at this intrusion, as they considered it, upon their ecclesiastical rights, and, expecting that Cromwell would have the direction of Scottish affairs, they had drawn up a letter to him, in which they deprecated the intended union as a measure that "would draw on a subordination of the church to the state in the things of Christ, introduce magistrates of principles contrary to the church, and tolerate the gathering of private churches and the preaching of troopers." This letter was laid before the commissioners, in consequence of which the latter issued a proclamation, in which toleration was combined with respect for and protection of the church established in Scotland. It was declared,—“That, for promoting of holiness and the power of godliness, all care should be used for publishing the gospel of Christ in all parts of the land, and for the maintenance of the faithful dispensers thereof; and care taken for removing of scandalous persons in the work of the ministry, and placing others, fitly qualified with gifts for instructing the people, in their stead; and encouragement be given from all authority to such as shall join in the service of God, according to the usage of the church of Scotland, in their peaceable and inoffensive exercise of the same; and others, not satisfied with that form, shall serve and

worship God in any other gospel way. That all magistrates who lived peaceably, and exercised their functions as terrors only to evil-doers, should be protected by them; and that all merchants, tradesmen, and craftsmen, possessing estates not above five hundred pounds, and all others under two hundred pounds, soldiers and moss-troopers excepted, should be freed from all forfeitures, molestation, or trouble, for anything they had done during the war." In spite, however, of all conciliatory language or acts, the Scottish people in general were opposed to the union, and it was with much difficulty, and after the employment of threats as well as promises, that one-third of the number of delegates which the towns and boroughs were summoned to send, were got together to vote for the union. Their consent being thus obtained, a bill was brought into the parliament of England for the union and incorporation of Scotland with the English commonwealth, and it was in committee when, early in 1653, the parliament was forcibly dissolved by Cromwell.

In the act establishing a protectorate, the incorporating union of Scotland with England was stated as an existing fact, though the number of representatives Scotland was to send to the parliament, and their distribution among the counties, cities, and boroughs, was left to the decision of the protector and his council. It was not, however, till the 12th of April, 1654, that Cromwell's ordinance for the completing of this union appeared, under himself as protector of the commonwealth of England, Scotland, and Ireland. It discharged the people of Scotland from all fealty or allegiance to the house of Stuart, abolished the separate monarchy and authority of the three estates of Scotland, and fixed the number of members to sit for Scotland and the isles in the united parliament at thirty. The tendency of the general provisions of this act was decidedly advantageous to Scotland. All imposts or duties which affected the intercourse between the two countries, commercial or other, were entirely taken off, and the inhabitants of each were to enjoy the same privileges and freedom in all parts of the commonwealth; all feudal vassalage and servitude, by which estates were held under tenures of personal service, was abolished; lands were freed from all demands, except the fines due upon the death of the lords, or the death or alienation of the tenant, and even this was confined

within certain limits; and all hereditary territorial jurisdiction of the chiefs was suppressed. These reforms were all calculated to give great satisfaction to the middle classes in Scotland; but the two great parties in the kirk still continued their struggle. The royalist party, or those who approved of the resolution of the committee relating to the employment of malignants, and who on that account was called the resolutioners, held that they were still bound to endeavour the recall of the king, and to labour for a uniformity of religion; while the remonstrants held that they ought to accept the toleration offered them by the commonwealth, and avoid attempting anything against a government which protected their civil rights, without encroaching on their religious liberty. At the time of the dissolution of the long parliament and establishment of the protectorate, this dispute was carried into the general assembly; and in an assembly held at St. Andrews, the resolutioners obtained a majority, and procured an approval of their proceedings. The remonstrants refused to acknowledge the authority of the assembly, protesting against it as prelimited, and from this circumstance their party was afterwards known by the name of the protesters. The assembly retaliated by deposing three, and suspending one, of the leading ministers of the protesting party; but the latter, so far from being discouraged, increased in numbers and boldness, and after an unsuccessful attempt to outvote their opponents in another assembly, they were preparing to try their strength in a third, when in the July of 1653, Cromwell, who saw the mischief that these dissensions were likely to create, forbade all further meetings of general assemblies, but permitted still the meetings of presbyteries, synods, &c.

In spite of the exhausted state of the country, and the apparent impossibility of raising any efficient army (so completely had Scotland been drained of its fighting-men), the king, in his exile, still attempted to excite insurrection, and for this purpose he worked upon the vain ambition of two noblemen, Glencairn and Balcarras, who were driven into a premature outbreak by the interception and discovery of their correspondence. In the August of 1653, Glencairn assembled some of the heads of highland clans, including the lairds of Glengarry, Lochiel, Tulliallan, and others, in the mountains of Athol, where they were

joined by lords Kenmore and Lorn, and, encouraged by false or exaggerated reports of Cromwell's difficulties and of preparations abroad to restore their king, they began to raise their forces. Two successful though trifling skirmishes, in the well-known passes of Aberfoyle and the Trossachs, encouraged many to join them, and lord Kenmore is said to have had great success in recruiting by carrying with him on his march what the writers of the time describe as "a runlet of strong waters," which was called popularly "Kenmore's drum." Glencairn began by issuing a proclamation, in which he "called upon all true royalists who detested the monstrous republic, builded with the bones and cemented with the blood of their dread sovereign, who loved presbytery and hated toleration, who acknowledged obedience to their righteous king, as the father of their country and God's vicegerent upon earth, who did not wish to degenerate from the spirits of their ancestors who would never bend to a foreign yoke, Roman, Pict, Dane, British, or Saxon, to join with his army and their brethren the highlanders; whose praise it was that loyalty and obedience to lawful magistrates could never be banished out of their hearts, whatever else might be alleged against them; nor would they admit easily of innovation in matters of religion, so that the most scrupulous might join with them in this cause without hurting their conscience, separating only from their vices, if any should appear." With much more hypocritical professions of regard for their religion and the covenant, Glencairn hoped to gain over the strict presbyterians, in which he was not successful, though his summons to arms caused considerable agitation in the highlands, and he had soon collected a respectable force under his banner. In a progress towards the north, where he hoped to be joined by the Gordons, the earl had several skirmishes with general Morgan with various success; but he had established his head-quarters in Badenoch, towards the end of the year, with a considerable force, which was increased by large reinforcements brought in by Kenmore and Lorn. No sooner, however, were they united, than jealousies and dissensions broke out among the leaders. Balcarras refused to serve under Glencairn, insisting that the army should be governed by a committee, and that none should be admitted who did not take the oath to the solemn league and covenant. Glencairn overcame

outward opposition by producing the king's commission appointing him captain-general of the whole forces, but the dissatisfaction still existed, and complaints were sent secretly to the king. The discovery of this correspondence increased the general distrust, and Balcarras withdrew from the army, and joined the king on the continent. Lorn also withdrew with his troops, but being pursued by a strong body of horse under the lairds of Glengarry and Lochiel, with orders to compel him to return, he escaped with a few of his followers who were well mounted, leaving the rest, to return to the army only to take the earliest opportunity of deserting and returning to their homes. While he thus lost some of his native force by jealousies and divisions, Glencairn received a small but more effective accession of strength in a party of English royalists under the command of colonel Wogan. Wogan was an officer who, during the war, had served under the parliament, but he went over to the opposite party after the execution of the king. He then was appointed to the command of the duke of Ormond's body-guard in Ireland, and he accompanied that nobleman to the court of Charles II. in France, where, hearing of the rising under Glencairn, he determined to proceed to the highlands and join him. Passing secretly through England, he collected together nearly a hundred of the more desperate of the king's party, and they reached the mountains of Scotland in small parties and in disguise. Wogan and his party of English raised the envy of the ill-clad highlanders by their dashing uniforms, but they distinguished themselves by their daring bravery, though their leaders did not live to do any important service to the royal cause. In an encounter with some of Cromwell's troops, near Drummond in Athol, Wogan received a wound, of which he died through the unskilful treatment of the surgeon who attended him.

With an army respectable in numbers, though ill-organised, Glencairn marched through Aberdeenshire into Murray, where he fixed his head-quarters at Elgin, to wait for the supplies which had been promised him from the continent; but hearing that Middleton, with the king's commission, had arrived in Sutherland, he marched thither, closely pursued and watched by Morgan with a body of English forces. Middleton's commission superseded that of Glencairn, who immediately surrendered to him the

chief command. Their army was at this time quartered at Dornoch, and in return for a feast which the new commander-in-chief had given there, the earl invited him and his principal officers to his house at Kettle, a few miles distant. At this entertainment, Glencairn, in pledging Middleton's health, spoke complimentarily of the army of which he had just resigned the command; in reply to which sir George Monro, who had been appointed lieutenant-general under Monro, rose up rudely, and interrupting him, exclaimed, with an oath, that his men "were no other than a pack of thieves and robbers," and that in a short time he would "show him other sort of men." Glengarry, who was one of the party, sprung up from his seat in great anger, but he was hindered from speaking by the earl, who said to him, "Forbear, Glengarry, it is I that am levelled at;" and then, addressing himself to sir George Monro, he told him that he was a base liar, and that his levies were neither thieves nor rogues, but much better men than he would ever raise. The dispute threatened to become serious, when Middleton interposed, and intimating rather strongly his opinion that quarrelling among themselves was not the most promising way of promoting the service of the king, he called for wine, and then, addressing the two principal disputants, he said, "I will have you both to be friends. My lord Glencairn, I think you did the greatest wrong in calling sir George a liar, and you, therefore, shall begin by drinking to him, and he shall pledge you." Glencairn complied without hesitation, but Monro refused haughtily to be reconciled, and in this humour the party separated.

Even this senseless quarrel brought considerable hurt to the royal cause. Monro, the same evening, sent the earl a challenge, and they met next morning (which was Sunday) a short distance from Dornoch, the former accompanied by his brother, and the earl by his trumpeter. They were both mounted, and armed alike with broadswords and pistols. After firing without effect, they drew their broadswords and made several passes without injuring each other, until Glencairn gave his opponent so severe a blow on his left hand that he could no longer hold the bridle or therefore manage his horse, and he challenged the earl to fight on foot. "Yea, carle," said Glencairn, who was much incensed, "I will let you know that I am a match for you either on foot or on horseback!" and with that, they engaged

each other on foot. At the very first encounter the earl struck Monro so violent a blow across the forehead, that the blood ran into his eyes, and he could not see to attack his opponent or to defend himself. Glencairn would have thrust his sword through his body, but he was hindered by his man, John White, who pushed aside his sword, saying, "You have enough of him, my lord!" Provoked at the interruption, Glencairn angrily struck his man over the shoulders with the flat of his sword, and then leaped on his horse and rode away to his own quarters. Monro bled so profusely, that he had a difficulty, though assisted by his brother, in making his way home to the camp. This duel was followed immediately by another between two inferior officers who severally espoused the cause of Monro or of Glencairn, and Monro's champion was run through the body and killed on the spot by his opponent. The latter was placed under arrest for murder, and having been tried by court-martial, was shot at the cross of Dornoch, in spite of the urgent solicitations of Glencairn for his pardon. The earl, disgusted by the little consideration in which he was held, separated himself from the main army, and carrying with him a small body of volunteers, marched into Lennox.

The insurgents had been allowed to go on so far with little molestation, on account of the other important matters which absorbed Cromwell's attention after his elevation to the protectorate, but in the May of 1654 he sent Monk back to Scotland, to reassume the command of the army there. Immediately after his arrival, Monk collected a considerable force, and marched to Aberdeen. He then separated his army into two divisions, placing the one under the command of Morgan, and they entered the highlands in two lines of march. Morgan overtook the royalists at Lochgarrie, and coming upon them unawares, completely defeated them. The only serious resistance was made by the English gentlemen who had followed Wogan; the rest of the army fled and dispersed in the mountains. Middleton escaped with a few of his followers to Caithness, whence he returned to France. His baggage and papers were taken by the English. Glencairn's party displayed more courage, but conscious that the sort of predatory warfare in which they were engaged could lead to no ultimate advantage, they accepted favourable conditions which were offered them, which secured their lives

and fortunes to all the officers and soldiers, who were to have passes to carry them to their respective homes. The officers were allowed to retain their horses and arms, and the men their horses, but these were to deliver up their arms, and receive for them their value in money. These conditions were honourably performed, and thus was ended the last attempt at resistance to the power of Cromwell.

The administration of the country under the protectorate was now definitely arranged; it was committed to a council of state, consisting of nine persons, general Monk, lords Broghill and Charles Howard, colonels Scroope, Desborough, Whethen, and Cooper, and two Scots, Lockhart and Swinton. Lord Broghill was president of the council. Their powers were extensive, but exercised with wisdom and prudence; and the soldiery, to whom the police of the country was entrusted, conciliated everybody by their sobriety and peaceable conduct. Under this government, indeed, Scotland enjoyed an interval of peace and happiness such as she had never experienced before. Justice was at length administered with perfect impartiality in a country where formerly the corruptness of the courts had been proverbially notorious. The English officers, who were appointed to the commissary and sheriff courts, threw aside the quibbling technicalities of the laws, and decided all cases by the plain dictates of common sense, which made law processes more rapid and certain, and at the same time far more cheap. In the higher court justice was administered by four English and three Scottish judges, with extraordinary vigour and purity. The commerce of Scotland under Cromwell was rapidly developing itself, for not only did the Scottish people enjoy all the advantages of free intercourse with England, but English merchants and manufacturers established themselves in Scotland, and assisted in giving an impulse to the national industry. The taxes were supported without murmurs when it was felt that they secured the protection and encouragement which rendered it easy to pay them. And although the presbyterian ministers felt aggrieved at what they looked upon as the subjection of the church to the civil power, it may be doubted if the people in general were not glad of an arrangement which relieved them from one of the great causes of former discord; and it is certain

that the ministers themselves, no longer having the arm of the magistrate at their disposal, devoted themselves to the more useful duties of instruction, and improving the people under their charge. Under the tolerant spirit of Cromwell's government, there was a total absence of all religious persecution.

Unfortunately for Scotland, this period of peace was not destined to be of long duration, and a dark and melancholy age was at hand. Oliver Cromwell died on the anniversary of his two great victories at Dunbar and Worcester, the 3rd of September, 1658. The history of the weak government of his son and successor is well known. Monk remained still in command of the army in Scotland, which under the protectorate had varied in numbers between nine and twelve thousand men. At the time when Lambert was forcibly dissolving the parliament, Monk had gained the sympathy of the Scots by showing a leaning to presbyterianism, and by dismissing many of the sectaries from his army and replacing them by old Scottish soldiers. He now hastily assembled the commissioners of the shires, and the impression which his presbyterian bearing had made was so great, that they consented at once to give him an advance of taxes. Leaving a portion of his army to assist these commissioners in preserving the internal tranquillity of the country, he marched with the rest to Coldstream, and placed a garrison in Berwick. A number of the Scottish nobles waited upon him here, and offered to raise forces to act in concert with him, but this offer he declined, well knowing that it would only have been an embarrassment to him in the intrigues he was now contemplating; but he told them that, if compelled, he should retire upon Stirling, and there seek and expect their assistance. Monk reached London in safety, overcame opposition by military force, and when he found that it was likely to be the most advantageous policy to himself personally, the man who had marched out of Scotland with the declaration that he had no other end in view than the settlement of the nation in a free commonwealth and the defence of godliness and godly men, used the power which through this declaration he had obtained to bring back the king without conditions. Charles the Second was received into London as the successor to his father on the 29th of May, 1660.

BOOK VIII.

FROM THE RESTORATION OF CHARLES II. TO THE UNION WITH ENGLAND.

CHAPTER I.

RE-ESTABLISHMENT OF ROYALTY; POLITICAL PROSECUTIONS; DEATH OF THE MARQUIS OF ARGYLE; RESTORATION OF EPISCOPACY IN SCOTLAND; DISGRACE AND BANISHMENT OF MIDDLETON.

WHEN Charles had thus regained the sovereignty, the presbyterians soon found what kind of return they were destined to receive for the blind devotion they had shown to him and for the blood they had shed in his cause. All moderate men, the true friends of the monarchy in its constitutional form, were neglected and persecuted, while offices and promotions were lavished only on those who had distinguished themselves by unprincipled subserviency to the king's passions. Middleton, a brave soldier who had risen from the ranks, but a man without religion and without probity, was appointed the king's commissioner or representative to parliament. Lauderdale was appointed secretary of state, with the office of Scottish gentleman of the bedchamber, which enabled him to remain in London and be near the king's person. The earl of Rothes was appointed president of the council in Scotland; the chancellorship was given to the earl of Glencairn, and the treasurership to the earl of Crawford; the earl Marshal was named lord privy seal; sir Archibald Primrose, clerk-register; and sir John Fletcher, lord-advocate. The appointment of Middleton to the high office thus conferred upon him was the work of the English chancellor, Hyde earl of Clarendon, who was the king's chief adviser, and as Lauderdale, who was not a friend of Clarendon's, had obtained the secretaryship through his own personal favour with the king, there was jealousy and hatred between him and Middleton from the first. After the nomination of the great officers of state, all the Scotchmen of rank then in London, met under the king's authority at the house of the earl of Crawford to consult on Scottish affairs, and after considerable debate, it was decided by the majority, who were presbyterians, that the committee of estates ap-

pointed by the parliament of 1650 should be entrusted with the management of affairs until a parliament were elected and assembled. Subsequently, it was objected by Mackenzie of Tarbet that this committee of the estates was an illegal body, as having been appointed by a parliament which was neither legal nor free, but a mere creation of the rebellion, and from which all the friends of Montrose were excluded. The king, who was very ready to snatch at any quibble which justified the persecution of those he disliked or which gave an opportunity for the interference of arbitrary power, approved of this objection, and would have had it acted upon; but Lauderdale and Crawford, who saw its impolicy at that time, explained it to the king so satisfactorily, that he caused the opposition to the acknowledgment of the committee of estates to be dropped.

The first acts of the new king relating to Scotland were of the most odious character. He sent down warrants to Edinburgh for the apprehension of sir Archibald Johnston lord Warriston, sir John Chiesley, and sir James Stuart, provost of Edinburgh. The warrant for the arrest of Chiesley was placed in the hands of Stuart, who by virtue of his office was to execute it, and when in performance of this duty he conducted him into the castle, he was placed under arrest himself. The lord Warriston, against whom the king had a personal pique, happened to be absent from Edinburgh, and hearing of the arrest of his friends, made his escape to the continent. A still more odious act was the arrest of the marquis of Argyle, who had arrived in London, encouraged to expect a courteous reception from the kind manner in which his son, the lord Lorn, had already been received there. He accordingly proceeded to Whitehall, and Lorn, who had

easy access to the king, went to ask permission for his father to be introduced to kiss his majesty's hand. But while he was waiting for the king's reply, the king-at-arms, sir Edward Walker, entered with an order for his arrest, and, in spite of all intercession, he was dragged away to the Tower, to be brought to trial after the meeting of the Scottish parliament.

This meeting was hastened as much as possible, and in the meanwhile the committee of estates, which had been suspended during the protectorate, resumed its duties. The two parties of the remonstrants and the resolutioners still existed, though their rivalry had been carried on more privately, but they began now to raise their heads, and a number of the former assembled for the purpose of drawing up a petition to the king. The committee interfered by causing their meeting to be dispersed, arresting the principal persons concerned and committing them to prison, and forbidding any other such meeting, unless they were held by the king's permission. The committee, at the same time, showed the lengths it was willing to go in obedience to the court, by causing to be effaced the inscriptions on the tombs of the two celebrated ministers, Alexander Henderson and George Gillespie, and by ordering Rutherford's book, entitled *Lex Rex*, to be burnt by the hands of the common hangman. The resolutioners, on their part, dispatched to London, as their agent or deputy, Mr. Sharp, who returned with a letter from the king, containing the strongest declaration of his resolution to preserve intact the government of the church of Scotland as then established by law. But this letter was intended merely to lull the suspicions of the presbyterians, for it had been already decided, under the influence of Clarendon, that episcopacy should be reintroduced into Scotland, and Sharp, the agent of the resolutioners, tempted by the offer of the primacy, had betrayed his party, and secretly pledged himself to labour for the overthrow of presbyterianism. Middleton and Glencairn joined zealously in supporting Clarendon's plans for the restoration of the bishops, and Lauderdale, who at first strove to protect the presbyterians, found it more to his interest to desist from opposition. In another question, however, he prevailed. Clarendon wished that the English garrisons in Scotland, which were established at Ayr, Inverness, and Leith, should be continued, and his views on this subject were seconded by Monk, now

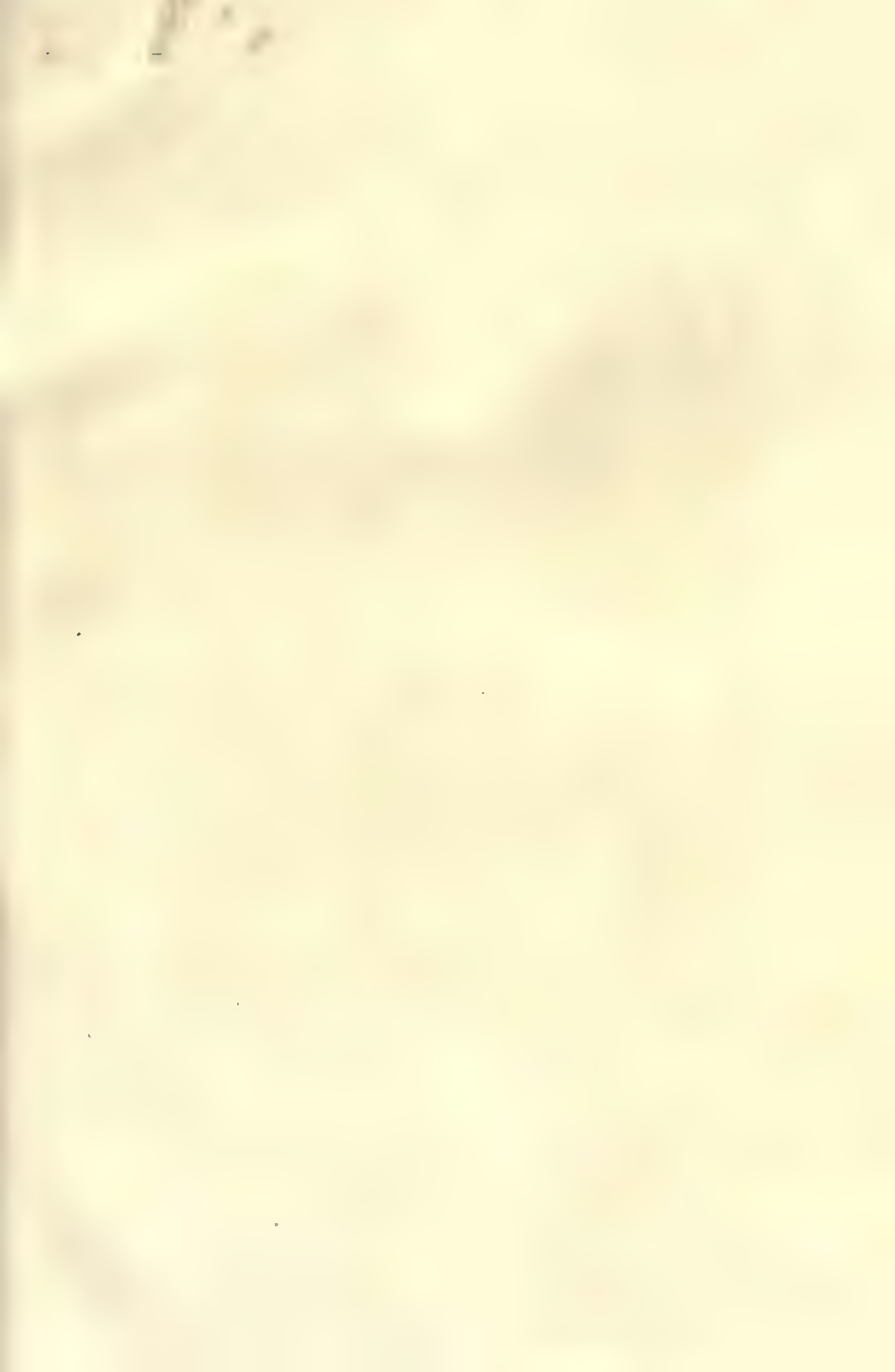
created earl of Albemarle, who would have benefited by them in a pecuniary point of view. Lauderdale, however, represented to the king, in answer to Clarendon's reflections on the rebellious temper of the Scots, their tried loyalty on many occasions, and the great sum of money which it would cost his majesty to maintain the garrisons, and this latter representation at least prevailed. The garrisons were withdrawn, the fortifications destroyed, and the ground and materials granted, under Lauderdale's direction, Ayr to the earl of Eglintoun, Inverness to the earl of Murray, and Leith to the secretary himself. Lauderdale obtained with his grant the privilege of raising Leith into a royal burgh, under the name of Charlestown, which so greatly excited the alarm of the city of Edinburgh that it was induced to purchase from him the superiority of Leith for the large sum of six thousand pounds sterling. This was an early example of the rapacity for which this nobleman was afterwards so notorious.

The Scottish parliament met on the first day of January, 1661. Middleton's entry into Scotland was attended with the utmost degree of pomp which was exacted in those times by a viceroy, he being met at Musselburgh by a thousand horse, who received and conducted him to the capital, where the Scottish nobility bowed to him almost with the same humility as they would have shown to their sovereign in person. The regalia, which had been concealed in the north during the interregnum, were now again brought forth, and, at the opening of parliament, the crown was carried by the earl of Crawford, the sceptre by the earl of Sutherland, and the sword by the earl of Mar. The members for burghs and shires had all been chosen for their extreme royalist principles, and as all nobles or barons who were known to entertain opinions of a different description had already either been imprisoned or cited to appear as delinquents, or were put in fear of proceedings of that kind, it is not to be wondered at if this parliament, though very fully attended, was remarkable chiefly for its obsequiousness to the crown. A sermon was preached by Mr. Robert Douglas, after which Middleton produced his commission, which being read, the earl of Cassillis proceeded to move, according to old custom, that they should elect a president. But an act was immediately brought forward, which had been prepared by the court, depriving the parliament of its privilege of electing its own

president, and giving the presidency of the parliament to the lord chancellor in virtue of his office. As this act was at once passed without opposition, the earl of Glencairn, the chancellor, took possession of the presidential chair. A new oath of allegiance was passed with this act, which was now administered to the members of the parliament, who were made to acknowledge the king as the only supreme governor of the kingdom, over all persons and in all cases, civil or ecclesiastical, with an abjuration of all foreign jurisdiction, of whatever kind. The presbyterians in general resolved upon refusing to take this oath, but the only two persons in the parliament who declined it were the earl of Cassillis and the laird of Kilbirnie, who, when their objection was not listened to, withdrew from the assembly. The next business was the election of the lords of the articles, for the old parliamentary forms of the beginning of the century were restored. This was opposed by the lords Tweeddale and Tarbet, on the somewhat singular ground, that the members of parliament being only delegates themselves, they were not capable of delegating their power to others. This objection, however, was overruled, and the old custom, thus revived, was subsequently established by a law.

The rest of the proceedings of this parliament were carried on in the same spirit which was thus shown at the beginning. An act was passed asserting the royal prerogative in its fullest extent, and declaring that it was an inherent privilege of the crown, which the king held direct from God, to name the officers of state, councillors, and lords of session, and that the power of the militia and of the calling or dissolving parliaments or public assemblies, was in the sovereign alone, any such meeting held without being called by the king amounting to an act of high treason. Another act was passed declaring it to be a part of the king's prerogative to make leagues and conventions of his subjects; and this having met with no opposition, the parliament proceeded to annul the solemn league and covenant, and to prohibit as an act equivalent to treason the renewal of it without the king's special warrant. Many of the members, including Balmerino, Cowper, and some other nobles, showed their dissent from this act in the only manner they dared, by absenting themselves when it was passed. The ministers of the kirk made an attempt at resistance, by

meeting in their provincial synods to supplicate against it, but messengers of parliament were instantly dispatched to these meetings to order them to disperse on pain of treason. The parliament soon went greater lengths in its subserviency even than this. The lords of the articles found themselves called upon to rescind so many acts of past parliaments, that they began to be alarmed at the amount of trouble that was entailed upon them. And in the heat of a drunken debauch, which was almost a daily occurrence with Middleton and his satellites, it was suggested that the shorter way would be to pass an act at once annulling *all* the proceedings of parliament since the year 1633, and a draught of a bill to that effect was drawn up and sent to the lords of the articles, who passed it without inquiry, as coming from the court, and it was transmitted next day to the parliament to be passed into a law. When it came there to be examined coolly, it met with a vigorous opposition, for it was shown that three parliaments which must be included in such an act—one at which the king's father had presided in person (in 1639), another called by his especial direction for the purpose of confirming the engagement (in 1648), and a third held by the present king in person (in 1651)—were perfectly and necessarily legal, and no informality could be alleged against them; the passing of such an act as this would be establishing the power of any parliament to annul all the proceedings of any parliaments which had preceded it, by which all public security must be utterly destroyed. It was an act which at once annulled all the privileges for which the Scots had striven and had obtained, and had been confirmed by the crown, such as the liberty and triennial succession of parliaments; the right of choosing the lords of the articles; freedom of debate; and the independence of the judges; while it rendered insecure the tenure of all private grants or indemnities obtained by individuals during that period. To silence the objections of the latter, a saving clause was introduced, that all who had obtained private rights or securities from any of the parliaments, or from any deriving power from them, should be secure, unless they were excluded from the act of indemnity; the other more serious objection was disregarded. This act was so outrageously absurd, that Middleton himself, when he recovered from the effects of his excess, shrunk from it, and sent a messenger to lay his





Engraved by W. P. May.

ARCHIBALD CAMPBELL, MARQUIS OF ARGYLL.

OB 1661.

FROM THE ORIGINAL IN THE COLLECTION OF

HIS GRACE, THE DUKE OF ARGYLL.

scruples or his fears before the king. But Clarendon, who had a perfect contempt for all Scottish liberties and institutions, and saw in the utter overthrow of the presbyterian church, which this act implied, the best possible commencement for the introduction of episcopacy, which had now been fully determined upon, sent a messenger back post-haste to Middleton to express his surprise that he should hesitate in carrying through a measure so eminently conducive to the king's interests.

Having thus completely crushed all power in the liberal party, the court proceeded to celebrate its triumph in magnificent honours which were rendered to the memory of the marquis of Montrose. Acts were passed to reverse his forfeiture, as well as those of the other royalists who had been attainted by the Scottish estates. Their remains were then disinterred from their resting-places, and buried in sacred ground with funeral pomp. Those of the marquis of Montrose, when taken up from the place where they had been buried, were carried to the abbey, whence it was conveyed in pompous procession to the church of St. Giles, to be deposited in the tomb of his grandfather, who, as viceroy of Scotland had presided at the parliament of Perth in 1606, when episcopacy was introduced into Scotland, and who had died while holding the vicereignty. The city troops lined the streets through which the procession passed, which was accompanied by the parliament and the magistracy of Edinburgh in their robes. When the procession left the abbey, all the guns of the castle and all the troops with their muskets fired a volley, and this was repeated when they entered the church, and again when the body was lowered into the grave. After the ceremony was over, a magnificent supper and banquet were given at the marquis's house, with music and great rejoicing.

The odious character of the new government was shown most forcibly in the proceedings against the marquis of Argyle. This nobleman, arrested, as it has been already stated, in London, had been sent by sea to Edinburgh in the month of December and lodged in Edinburgh-castle, and he was now brought to trial on a charge of high treason. The indictment contained fourteen different articles, and in fact it contained a history of Scotland from the first resistance to the arbitrary measures of Charles I. to the final triumph of Cromwell, through all which the marquis of Argyle was represented as

the first and greatest instigator of the opposition to the crown. It was he, his accuser said, who called the convention of estates in 1643, who entered into the solemn league and covenant with England, who was a party to the retaliations and cruelties committed on the royalists in the western islands, who was a party also to the delivering up of the king at Newcastle, opposed the engagement, was a party to the conditions which had been attempted to be imposed on the king when he was restored to his Scottish throne, and to the "murder" of Montrose, and had complied with the usurpation of Cromwell. Argyle's reply was calm and temperate. He declared his joy at the restoration of the king, and enumerated the services he had done to the crown, and the different marks of royal favour he had received, to show how unlikely it was that he should have harboured designs against it. He reminded his judges of the conditions of the times at which all these things took place, and how they like himself were forced along by the current of events, and he declared that he had been himself among the last to yield to it. The proceedings of public bodies, acting under the authority of the state, could not be imputed to him individually as acts of treason, nor was he responsible for all the acts of such public bodies or of his party. He was in England during the time of the alleged acts of retaliation on the royalists in the isles, and was no party to them, and whatever acts of vengeance or cruelty were perpetrated by his clan, were no doubt provoked by the horrible devastations to which their own lands and dwellings had been subjected. The king, he said, was surrendered to the English by an act of a parliament at which he was not present; and he declared his utter abhorrence of the conduct of the English parliament in bringing him to trial and execution. Having answered each charge in particular, he pleaded generally for all things which had occurred previous to that date; the indemnity given him by the present king in the parliament held in Perth, in the year 1651. Since that time his loyalty had been more conspicuous even than those who were now prosecuting and judging him, and he said he was one of the very last to comply with the usurper, which he did in accordance with the opinion expressed by the king himself, that it was the duty of honest men, under such circumstances as those, by compliance to save their estates from ruin, until God

had shown a probable way for his return. If there were any guilt in what he had done in this respect, the whole kingdom and the very people who were now sitting as his judges, had shared it with him. In the course of this defence, the marquis was continually stopped by the interruptions and reproaches of the lord-advocate, sir John Fletcher, to which he replied with meekness, that he had learnt in the school of adversity to suffer reproach. His advocates then put in a protest that, since it was by order of the parliament that they pleaded for the marquis, they should not be held responsible for any observations they might chance to make which could be interpreted as treasonable and brought under the iniquitous Scottish law of lease-making. But the parliament refused to receive this protest, alleging that it might be made a pretext for speaking treason, and telling the advocates that whatever they said in Argyle's defence must be said at their own risk. The marquis now, by their advice, gave in a petition praying to be tried by the justice court, on the ground that in the parliament, who were not all his peers, there were many who were totally unaccustomed to trying points of law. This proceeding was with equal injustice construed into a declining of the jurisdiction and authority of parliament, and the marquis was commanded to own the petition, or to state who wrote it, that they might prosecute its authors. The advocates were obliged to acknowledge the petition, and, after they had pleaded long in justification of it, they were pardoned, as a great act of indulgence on the part of the parliament, but the petition was refused. It was further ordered, to deprive the accused as much as possible of the advantages of counsel, that the defences, replies, &c., should be received only in writing. In the meantime, however, a letter had come from the king, forbidding the crown lawyers to prosecute the marquis on any charge which dated before the year 1651. This order was the result, partly, of the influence of Lauderdale, who feared that if the general indemnity procured at that time were broken in one instance, many of his own friends might be exposed to the avarice or revenge of Middleton, and partly of the personal intercessions of Lorn. As soon as Middleton perceived the effect of this influence, he sent the earls of Glencairn and Rothes in haste to London to counteract it. Glencairn was to address himself to Clarendon and Monk, and the effect of this appli-

cation appeared in a transaction which marks the baseness of character of the latter. Rothes was to expostulate with Lauderdale, whom he reminded of Argyle's former opposition to him, and warned of letting such a man escape who might regain his former power, and become a dangerous rival. Lauderdale listened to these reasons, and took care that the king's ear should be closed against all appeals for mercy. When, however, the trial proceeded, and the evidence of criminality since the year 1651 was gone into, it was found to be worth so little, it was doubtful whether the marquis would not be acquitted, and after a long and impressive address from the earl of London, the court was about to consider its sentence with feelings apparently favourable to the accused. At this moment the effect of Glencairn's intrigues and of Monk's baseness, appeared. A messenger suddenly presented himself with a packet which he had brought post from London. When opened it was found to contain a number of letters written by the marquis of Argyle to Monk, while the latter was Cromwell's military governor of Scotland, which Monk had preserved thinking that at some subsequent period he might make them useful. They proved beyond a doubt Argyle's passive compliance with the *de facto* government of which Monk was the active agent, and therefore whatever degree of guilt they proved in Argyle, they proved an infinitely larger amount in Monk himself. When information was carried to London that the evidence against Argyle was likely to be insufficient, Monk had sent these letters down with the utmost dispatch by a special messenger, and upon them alone Argyle was found guilty of treason. The following day his forfeiture was pronounced; and at the same time it was decided that his punishment should be beheading, and that his head should be fixed on the same place which had formerly been occupied by that of Montrose. The sentence was pronounced by the earl of Crawford, and was received by Argyle on his knees, who, rising, told his judges that he remembered the circumstance of his having first placed the crown on the king's head, and added that, as he had ever wished him well, so now he prayed to God to bestow on him a crown of glory. The quiet dignity with which he supported his misfortunes, and the circumstances connected with them, drew tears even from those who had judged him, and a great part

of whom were more guilty than himself; yet, when he prayed for a respite of ten days, that he might have time to communicate with the king, they refused it, and the further indignity was added of throwing him into the common gaol among ordinary prisoners during the two days which were allowed him to prepare for death. His last interview with his lady was affecting, but he preserved the same calm and dignified bearing which he had shown on his trial to the end, and he even remarked to the ministers who attended him how, being naturally of a timorous disposition, he was wonderfully delivered from all fear. On the morning of the day of his execution he wrote a letter to the king, in which he asserted his innocence, recommended to his protection his widow and children, and begged that his just debts might be paid out of his estates. At twelve o'clock, the usual dinner-hour at that period, he dined with his friends. After dinner he retired to pray, and returning to his friends with a joyful countenance, he said to them, on quitting the gaol: "I could die like a Roman, but I choose rather to die like a Christian." On the scaffold he behaved himself with the same composure; and, in a speech addressed to the spectators, he again vindicated his own conduct from any guilt, declared that he forgave his enemies, and warned all from breaking the oath which they had taken to the covenant. He said that times had arrived when a man's only alternative was to sin or suffer, and that he joyfully chose the latter. He then went through the usual preliminary of execution, after which he again addressed those near him, saying: "Gentlemen, I desire you, and all that hear me, again to take notice and remember, that now, when I am entering into eternity and to appear before my judge, and as I desire salvation and expect eternal happiness from him, I am free from any accession, by knowledge, contriving, counsel, or any ways, of his late majesty's death; and I pray the Lord to preserve the present king, and to pour out his best blessings upon his person and government; and the Lord give him good and faithful counsellors." His head was then separated from his body by the instrument called the maiden, and was afterwards raised on the tollbooth, according to his sentence. The body was delivered to his friends, who carried it in procession to Kilpatrick, whence it was transported by water to Denoon, and finally interred in the family tomb at Kilmun.

Nobody was blind to the iniquity of the sentence thus passed on one who has been justly described as one of the most upright statesmen of his age; and a feeling of commiseration for his fate and abhorrence of his persecutors prevailed throughout Scotland. If the latter had gratified their revenge, their rapacity was disappointed; for the lord Lorn, who had married the niece of lady Lauderdale, was through the influence of the secretary, allowed to succeed to his father's estates and to all his titles except that of marquis.

Other trials were going on during the same period, but with various results. Two of these, Swinton and Whisby, escaped through the interference of Middleton. The former had been a judge under Cromwell, and had been condemned at the parliament of Perth, so that it was only necessary to pronounce his sentence; but since his condemnation he had changed his political principles, repented of his previous actions, and turned quaker. He was pardoned, and allowed to retire to the north, where he made several converts to his religious principles, one of whom is said to have been the celebrated Barclay, whose apology for his sect is well known; but he is reported to have owed his escape to the circumstance that Middleton knew that Lauderdale would have obtained his estate had he been condemned. It was said that sir John Chiesley, who had also been forfeited by the parliament of Perth, possessed papers which proved Lauderdale's complicity in the act of delivering the late king to the English parliament, and that in return for these important documents, which might be useful against a dangerous rival, Middleton caused him to be passed over without judgment. According to other reports, he bought his impunity with money; a common transaction in the days of venal justice which followed the restoration. Mr. James Guthrie, one of the most distinguished ministers of the Scottish kirk, experienced a more melancholy fate. He had been steady in his loyalty and in his opposition to Cromwell; but it was believed that his punishment would strike terror into the whole body of the presbyterians. His chief crime was declining the king's authority in spiritual matters; but he was also accused of contriving the western remonstrance, of writing a book entitled the *Causes of God's Wrath*, and of subscribing the humble petition of the 23rd of August. He had offended the

king by telling him that he distrusted his professions of presbyterianism, and Middleton by publishing a sentence of excommunication against him decreed by the kirk for his conduct in 1656; and the anger of both was equally relentless. Guthrie made a very able defence, in which he admitted all the facts adduced against him, but showed by the law of the land that they were none of them treasonable; or even seditious. "That I did never," he said in conclusion, "propose or intend to speak or act anything disloyal, seditious, or treasonable, against his majesty's person, authority, or government, God is my witness; and that what I have spoken, written, or acted, in any of these things wherewith I am charged, hath been merely and singly from a principle of conscience, that, according to the light given me of God, I might do my duty as a minister of the gospel. But because the plea of conscience alone, although it may extenuate, cannot wholly excuse, I do assert that I have founded my speeches, writings, and actings in these matters on the word of God, and on the doctrine, confession of faith, and laws of this church and kingdom, upon the national covenant of Scotland, and the solemn league and covenant betwixt the three kingdoms. If these foundations fall, I must fall with them; but if these sustain and stand in judgment, as I hope they will, I cannot acknowledge myself, neither I hope will his majesty's commissioner and the honourable court of parliament judge me, guilty either of sedition or treason." So anxious was the court to triumph over this man in such a way as to humble the presbyterians, that every means was attempted to induce him to withdraw his declinature, and he was offered not only to be relieved from prosecution but to be promoted to a bishopric, if he would acknowledge the king's absolute supremacy over the church. But he remained steadfast, and at the end of a trial protracted during three weeks, he addressed the chancellor, who presided, in the following language:—"My lord, I shall in the last place humbly beg, that, having brought such pregnant and clear evidence from the word of God, so much divine reason and human law, and so much of the common practice of the kirk and kingdom, in my own defence; and being already cast out of my ministry, driven from my dwelling and deprived of my maintenance, myself and my family thrown upon the charity of others; and

having now suffered eight months' imprisonment, that your lordship would put no further burden upon me. But, in the words of the prophet, 'Behold I am in your hands, do to me what seemeth good to you.' I know for certain that the Lord hath commanded one to speak all these things, and that if you put me to death, you shall bring innocent blood upon yourself and upon the inhabitants of this city. My lord, my conscience I cannot submit; but this old crazy body and mortal flesh I do submit to do with whatsoever you will, whether by death, or banishment, or imprisonment, or anything else; only, I beseech you, ponder well what profit there is in my blood; it is not extinguishing me nor many others, that will extinguish the covenant and work of reformation since 1638. No; my bondage, banishment, or blood, will contribute more for their extension than my life or liberty could, were I to live many years. I wish to my lord commissioner, and to all your lordships, the spirit of judgment, wisdom, and understanding, and the fear of the Lord, that you may judge righteous judgment, in which God may have glory, the king honour and happiness, and yourselves peace in the great day of accounts." Before the parliament proceeded to the verdict, many of the members withdrew, some of them as they went out citing the words of Scripture: "We will have nothing to do with the blood of this just man." Guthrie was condemned to be hanged, and he underwent his sentence with the utmost fortitude; as did also captain Govan, who was executed at the same time. Govan, as the rope was being adjusted to his neck, said: "Middleton and I went out to the field together upon the same errand; now I am promoted to a cord, and he to be lord high commissioner; yet would I not change situations with him for a thousand worlds!" Of the two other ministers against whom prosecutions had been commenced, Mr. Patrick Gillespie escaped through the interest of lord Sinclair, with only the sequestration of his living, and Mr. Samuel Rutherford died before he could be brought to trial.

Things had now been brought to a point at which it was believed that the attempt to reimpose the episcopal government on the Scots might be safely made. For this purpose Middleton was summoned to London, and there, in a meeting of the privy council, he gave the king an account of his management of affairs in Scotland, and expressed

his opinion strongly that matters had now arrived at that point that people in general with the recovery of royalty were ready to return to episcopacy, as the natural ally of the crown. A number of the leading Scottish nobles were present at this council meeting, among whom was the earl of Glencairn, who asserted that the Scots were universally disgusted with the turbulent conduct of their ministers, and that six to one of the whole population would receive the episcopal government as a favour. He insisted that presbyterianism was everywhere the religion of sedition and disloyalty, and that it ought not to be permitted to exist in any well-ordered state. Rothes was of the same opinion as Glencairn. Lauderdale was more adverse to episcopacy, and urged that it would be more prudent, before deciding on such an important question, to adopt some measure for ascertaining the real state of public opinion in the country, such as calling a general assembly, or consulting the provincial synods, or calling a meeting of divines of either party at Westminster to discuss the matter. Middleton insisted that any of these plans would lead only to confusion, and would give the ministers an opportunity of recovering their power, whilst calling either general or synodal assemblies, would be an acknowledgment of their legality and a breach of the recissory act. The earl of Crawford (the Scottish treasurer) and the duke of Hamilton alone pleaded for presbyterianism. The former remained silent, until he was indirectly compelled to declare his opinion by Clarendon, who hoped to draw him into disgrace, because he wanted to give him a successor in the treasurership in the person of lord Maitland. He then assured the king that a vast majority of the Scottish people were in favour of presbyterianism, and urged strongly that he should follow Lauderdale's advice, and consult the provincial synods. He protested against ascribing the faults of presbyterians, to presbyterianism, alleging that all systems were at times abused; that it would be better to leave to the Scots their own church government, to which they were accustomed, than introduce a new one, which might lead to troubles and confusion; and he denied that the recissory act abolished presbyterianism, which had been established by acts of assemblies approved by his father's commissioners. Hamilton remarked, that the recissory act itself had been allowed to pass with so much ease, chiefly in conse-

quence of his letter to the presbytery of Edinburgh, immediately after the restoration, in which he promised on the word of a prince to preserve and protect the presbyterian form of government. Clarendon, who disliked equally the Scots and their form of church government, backed the representations of Middleton and Glencairn with all his influence, and told the king that he hoped that God would ever preserve him from living in a country where the church was independent of the state, and where therefore all churchmen might be kings. This remark seems to have dispelled all doubt that might have lingered in the royal mind, and Charles resolved that episcopacy should be established in Scotland. Lauderdale, when he saw that the king had taken this resolution, deserted presbyterianism, and warmly advocated episcopal government. The result was that the earl of Glencairn was dispatched in haste to Scotland, accompanied by the earls of Rothes and Sharp, and carrying a letter from the king to the Scottish privy council. In this letter the king began by a most unmanly evasion of his previous promise to the presbytery of Edinburgh. "We did," he said, "by our letter to the presbytery of Edinburgh, declare our purpose to maintain the government of the church of Scotland, settled by law; and our parliament having since that time not only rescinded all the acts since the trouble began referring to that government, but declared also all those pretended parliaments null and void, and left to us the securing and settling church government; we, therefore, in compliance with that act recissory, from our respect to the glory of God, the good and interest of the protestant religion, from our pious care and princely zeal for the order, unity, peace, and stability of the church, and its better harmony with the governments of the churches of England and Ireland, have, after mature deliberation, declared to those of our council here our firm resolution to interpose our royal authority for the restoring of that church to its right government by bishops, as it was by law, before the late troubles, during the reigns of our royal father and grandfather of blessed memory."

Though a certain degree of freedom of discussion had been allowed in treating of this question in the privy council, such was not the case in Scotland, and although the king's declaration was received by the privy council in the most submissive manner, there was one of the councillors who, if he did not

directly oppose it, hesitated in accepting it in the same manner as the rest. This was lord Tweedale, who, opposed in his heart to the change, suggested the propriety of consulting with the provincial synods. Determined to crush at once the slightest spirit of opposition in the council, Middleton immediately obtained a royal order for imprisoning Tweedale, on the pretext that he had spoken in council in favour of Guthrie, and had in his place in parliament not voted for his death. He was not allowed the plea of privilege, and it was only on acknowledging his fault, that he obtained so much favour as to be allowed to be confined in his own seat. He being thus removed from the council, there was no longer the least appearance of hesitation in carrying out the king's intentions, and a proclamation was drawn up and published, announcing the restoration of bishops, prohibiting synodal meetings, and forbidding any one to preach or talk against the change on pain of imprisonment. It was followed by a proclamation addressed to the boroughs, commanding them in indirect terms to elect none for their magistrates but those who were in favour of episcopal government, which was obeyed everywhere without the slightest resistance. The only difficulty that now presented itself was how to ordain the bishops, for there was only one remaining of the old bishops, Sydserf, to be restored, and one bishop was not sufficient to consecrate others. In this dilemma, a commission was addressed to the bishops of London and Worcester, authorising them to perform the ceremony, for which purpose James Sharp, Andrew Fairfoul, and James Hamilton, were summoned to London, where they were met by Robert Leighton. The Scottish ministers at first refused to undergo the process of reordination by the English bishops, as a degradation to which their consciences would not allow them to submit; but as the English episcopal clergy insisted that presbyterian ordination was perfectly invalid, the persons who had already given up the principle, were persuaded without much difficulty to yield the form. The ceremony was performed in Westminster-abbey with great magnificence, Sharp being consecrated archbishop of St. Andrews, and therefore primate of Scotland, Leighton bishop of Dunblane, Fairfoul bishop of Glasgow, and Hamilton bishop of Galloway. The new bishops remained some time in London, giving magnificent entertainments

to the Scottish and English nobility there, and then they began their progress to Scotland in the greatest state. Many of the Scottish nobility met them on the border, and their train increased at every step in their progress towards the capital, where their arrival was proclaimed by the sound of trumpets, and they were received by the magistrates in their robes. All but Leighton, who was distinguished from the rest by his learning and simplicity of manners, exhibited their new dignities ostentatiously, and continued the round of feasting which they had begun in London. Sharp, as primate, brought with him a magnificent carriage, and drove about with footmen in purple liveries.

The new bishops made their entry into Edinburgh on the 7th of May, 1662. Next day the parliament recommenced its sitting, and the re-establishment of the prelacy in all its old privileges and immunities was one of the first businesses on which it was engaged. An act for the restoration of bishops was passed without any delay, so large and liberal in its character, that it not only gave them all prerogatives and privileges, spiritual or temporal, which had been held by their order before, but approved and ratified by anticipation whatever should be agreed between them and the king thereafter. The bishops were in waiting while this act passed, and immediately after the vote a deputation composed from each estate was sent out to them to invite them to resume their places in the house, on which they immediately went in and took their places among the earls to the right of the king's commissioner. Other acts of the most arbitrary kind, followed immediately. By one, the national covenants were declared unlawful, and as such null and void, the acts of assembly which approved of them were denounced as seditious, and punishments of a serious character were declared against all writing, preaching, or praying which questioned directly or indirectly the king's supremacy in ecclesiastical matters, or the episcopal form of church government. By another, every person assuming or holding an office of trust was required to declare that he believed it unlawful for subjects, under any pretence of reformation, to enter into covenants or take up arms against their sovereign, and he was to condemn and disown all that had been done by remonstrance or petition during the late troubles. This act is said to have been especially aimed against the earls of Crawford and Lauderdale, but the latter spoke of it with derision, for his

conscience was of that easy kind which would allow him to take any oath that might be required of him. Another act restored the right of patronage, and all ministers who had entered upon any cure, since 1659, without being presented to it by a lawful patronage, were deprived of their benefices, unless they procured within four months legal titles and were instituted in a regular manner by their bishop. This was, in fact, a far more sweeping measure than the establishment of episcopal government by king James; the presbyterian church was treated with much greater contempt, and the pretensions and powers of the bishops were much higher.

These acts were followed by another exercise of Middleton's influence for a pernicious purpose. Lauderdale had been anxious all along to obtain an act of oblivion, and the great objection with which he had to contend was, that the church was not yet settled. This objection was now removed, and he again pressed for the act of oblivion. Middleton, seeing that it was useless to oppose this measure any longer, attempted partially to defeat it by proposing that, in consideration of the number of royalists who had been ruined in the defence of the crown, and that so many persons had preserved their estates entire by complying with the government of the usurpation, the latter should be subject to fines for the relief of the others. The oppressive character of such an act must have been evident to everybody, and the extensive manner in which it might be abused for the mere purpose of enriching Middleton and his friends. Lauderdale opposed it as much as he could, and contended against putting any ungenerous limitation on the act of oblivion; but Middleton's proposal was carried, with the alteration of limiting the fines to one year's rent, and restricting its application to such offences only as had occurred since the previous act of indemnity. But these limitations were little attended to, and this act became the pretext for the most iniquitous proceedings. Its administration was placed in the hands of a secret committee of Middleton's friends, who were not required to give any account of their proceedings, and long lists of persons were drawn up, who were condemned to plunder in the shape of arbitrary fines levied upon them only because they were known to be able to pay, and from which there was no appeal whatever. So carelessly were these lists made up, that we are assured that some of the persons named in them were mere

infants, while others were dead, and others again had been living abroad during the whole time of the troubles, in which they had taken no part whatever.

Lauderdale's opposition to the act of fines was seized upon for the occasion of an attempt to ruin him. Clarendon, who was jealous of his influence with the king, was as anxious as Middleton to procure his disgrace, and they agreed to act in unison. While the act of fines was in progress in Scotland, the laird of Tarbet, one of Middleton's creatures, was dispatched to London, ostensibly to carry up the bill of indemnity, but with secret instructions to obtain the consent of the English council to a clause by which a certain number of persons, to be named by parliament, should be declared incapable of holding any place of public trust. This clause was intended to ruin Lauderdale, who opposed it strenuously, pointing out its injustice and its oppressive character. Crawford, who also saw its design, joined in the opposition, and pointed out very artfully that it was a new attempt to deprive the king of the right of appointing his own servants. But the duke of York and the duke of Ormond joined with Clarendon, influenced by the same spirit of hostility to Lauderdale, in supporting the proposal brought by Tarbet, and the king was induced to give his warrant for making incapable of any places of public trust twelve persons to be named by parliament. So far Middleton was successful in his plans against the secretary, but he embarked too rashly in his projects of revenge and plunder, and his own imprudence in the end defeated them. Such was the case in the present instance. While engaged in the plot against Lauderdale, he was busily pursuing his revenge against Lorn, whom he hated because he had been allowed to inherit his father's estates, in the confiscation of which the commissioner hoped to have shared largely. Lorn, though in favour with the king, had been exposed to some new act of injustice, through the means of Middleton, and in a private letter to his friend lord Duffus, he complained of this treatment, and expressed a hope that he should be able to purchase the friendship of a great man at court, meaning Clarendon, and that in the end the king would be made to "see the tricks of those who were now deceiving him." This letter was intercepted at the post-office, and sent immediately to Middleton, who laid it before the parliament, at the same time

bringing a charge against Lorn of leasing-making, because he said the expressions just quoted were designed to create distrust between the king and his ministers. Instructions were accordingly sent to Tarbet to press the king to cause Lorn to be sent down to Scotland to be put upon his trial. Although the king spoke with contempt of the accusation, he yielded to the demand of Middleton, and it required all Lauderdale's personal interest, and his giving himself as bail, to prevent Lorn being sent down as a prisoner. Charles, however, sent express orders that no sentence should be carried into execution, until he had been consulted with; and this order alone saved the life of the accused. Lorn, knowing perfectly well what kind of tribunal he stood before, attempted no defence, but enumerated the various persecutions to which he had been subjected, and urged that it was natural enough, in writing privately to a friend, to express himself warmly. He declared, however, that he had designed no harm to any one, and he threw himself upon the justice of the parliament and upon the king's mercy. The parliament basely yielded to Middleton's influence and condemned him to death, but the king granted him his pardon. Lorn knew that he owed his escape mainly to Lauderdale, and he found almost immediately an opportunity of showing his gratitude. In carrying out the proposal which had been carried to court by Tarbet, the king, without informing Lauderdale, sent to Middleton an order for five resident councillors at the court in England, leaving to him the nomination. Middleton, now sure of his triumph over the secretary, proceeded to carry out his plans with too great precipitation. To avoid openly attacking the ministers, at whose expulsion from office he aimed, he caused to be brought into parliament an act for incapacitating twelve persons whose names were to be decided by ballot, and although according to the words of the act this ballot was to be conducted with the greatest fairness, he procured, while the act was in preparation, lists to be made so as to ensure the insertion of the names of the earls of Crawford and Lauderdale among the twelve who were to be excluded from office. The act was passed through with the utmost haste, and so anxious was Middleton to get this proceeding completed before Lauderdale knew anything of what was going on, that immediately it was voted, without consulting the king on the

subject and obtaining his approval and authority, he ratified it by the touch of the sceptre. The utmost care had been taken to stop all the ways of communication with England, so that no information could be sent except such as was approved by the commissioner, but Lorn contrived to elude his vigilance, and to convey full information to Lauderdale before any official intelligence reached court. The secretary immediately carried this information to the king, and artfully communicated it to him in terms which he knew were best calculated to act upon his temper. He said that in former times commissioners had been in the habit of consulting the king before they sanctioned the commonest acts of parliament, but here was one who put away the king's own servants, without taking the trouble to ask him whether it were agreeable to him or not. Clarendon, who had received no information in the matter, imagined that it was a mere tale of Lauderdale's, and condemned such a proceeding unhesitatingly as an invasion of the royal prerogative of such a dangerous description that the king might be deprived against his will of his most faithful and loyal servants. The consequence was, that when at length the deputation from Scotland arrived with the act, they were received very coldly, and the king throwing it aside, told them that he should not in this case follow the advice of his parliament of Scotland, but that their secret should not be allowed to transpire.

While Middleton was thus committing errors which were calculated to undermine his influence at court, his rash and violent proceedings against the presbyterians were involving him in difficulties and embarrassments at home. The day after the close of the parliamentary session in September, summonses were issued for the holding of the diocesan meetings of the church throughout the kingdom about the middle of October. About the same time Middleton, no longer held in the capital by the duties of parliament, entered upon a progress to the west, accompanied by a sufficient number of the privy council to form a quorum. Wherever they stopped, the commissioner and his companions distinguished themselves by such revolting scenes of debauchery as gave scandal to the whole neighbourhood, and were little calculated to gain over converts to episcopacy from a people who were distinguished for their sobriety. He found everywhere the

presbyterian ministers manifesting the most decided hostility to the new church government, and they were strengthened in their resolution to refuse the oaths by the example of resistance which had been set them in England on the act of uniformity. When Middleton reached Glasgow, the archbishop of that see, Fairfoul, complained bitterly of the insubordination of his clergy, few of whom would acknowledge him as their spiritual superior, and represented that nothing seemed likely to remedy the evil but an increased application of force. A meeting of the council was held, at which all the members present were drunk except two, and an order was there passed that all the ministers of the kirk who had entered upon their cures since the year 1649 and had not regular presentations, or who should not have received collations from bishops, should be deprived of their stipends due for the past year, driven with their families from their dwellings, and not permitted to reside within the bounds of their respective presbyteries. In consequence of this arbitrary act, which the commissioner persisted in enforcing in spite of the expostulations of all prudent men, upwards of three hundred ministers preferred undergoing its penalties to compliance, and were driven from their homes. Their exemplary conduct under persecution raised such a powerful feeling through the country, and the result appeared so alarming, that the council, on their return to Edinburgh, became convinced of the error they had committed, and summoned the two archbishops to consult with them on the best means of retrieving it. A proclamation was agreed upon, by which liberty was given to all the ministers who had been deprived of their livings by the recent act, to obtain presentations from the patrons and collation from the bishops, before the 1st of February following; and this was combined with threats of severer punishment for non-compliance. New acts of persecution were at the same time adopted against the more distinguished of the non-compliers, in order to strike terror into the rest. It was at this moment that Middleton was relieved from the embarrassments he had been creating for himself in Scotland, by being recalled to London, where Lauderdale had skilfully improved the advantage he had gained over him in the affair of the clause of exceptions in the act of oblivion.

Lauderdale had now drawn up a regular

accusation against the king's commissioner in Scotland, and he was summoned to London to make his defence. The charges were, that he had practised deception both upon the king and upon the parliament; that he had presumed to pass acts of high importance without consulting the king, one of which took from the king the power of pardoning the sins of those forfeited in the last parliament, and even declared the royal pardon null and void if he should sign any; that he allowed the guilty to escape for money, while he fined the loyal and the innocent; that he had mismanaged the public money, and empowered himself to name a receiver of the fines which belonged to the king; and above all, that he had attempted to introduce what Lauderdale termed a species of ostracism, the idea of which, he alleged, was borrowed from the democracy of the Athenians, and which was not to be permitted under any monarchy, whereby the first ministers of the state were to be condemned by ballot, and, without accusation or trial, were to be exposed to the hidden malice of their enemies, without any opportunity of justification or defence, and without even allowing the king himself to know their crimes or have the occasion for exercising his prerogative. The whole of Lauderdale's accusation was drawn up in the ablest manner, and well calculated to produce an effect upon the king's prejudices and passions. Middleton was most anxious to meet the charge of invading the king's prerogative, to which he almost entirely confined his reply; but his best chance of success lay in the advocacy of Clarendon, who, with the bishop of London (Shelden), and others, spoke earnestly in his favour, dwelling upon the great services he had performed, especially in that important work of establishing episcopacy in Scotland, which they said ought to outweigh a single fault, and that only one which had arisen from his too great earnestness in the king's service. But Lauderdale had so successfully worked upon the king's mind, that even Clarendon's voice had not its former effect, and a new imprudence of Middleton's completed his own ruin. The disposal of the money collected under the bill of fines was one of the subjects on which Lauderdale had excited the king's jealousy, and a royal letter was now, on the 23rd of January, dispatched to the council in Scotland, forbidding the exacting of the first moiety of the fines until the king's further pleasure

were known, and discharging the collector appointed by Middleton. The latter, foreseeing with alarm that the effect of this proceeding would be the destruction of much of his influence in Scotland by showing his friends that he was no longer able to reward them, wrote a letter to the chancellor, Glencairn, ordering him not to act upon the king's order. The council, accordingly, recalled the proclamation which they had prepared in obedience to Charles's letter. Information of these proceedings were immediately conveyed to Lauderdale, and by him represented to the king in the manner most disadvantageous to the commissioner, who was sent for immediately, and pleaded in his defence that he had had the king's verbal consent to what he did. This the king denied,—it was said that he had forgotten the circumstance,—but his anger was so effectually excited, that he dismissed Middleton from all his offices. The earl of

Rothés was appointed commissioner to Scotland, and the office of governor of Edinburgh-castle, which had been held by Middleton, was given to Lauderdale. It was said that Lauderdale owed much of his success on this occasion to the influence of the king's mistress, the duchess of Cleveland.

Middleton remained some time in London, where he had fallen into obscurity. He was subsequently sent out as governor of Tangiers, which was looked upon as no better than a kind of honorary banishment. There he continued his debauched way of living, and in a fit of drunkenness he fell down a staircase, and broke his right arm in such a manner that the bone protruded from the flesh. Owing perhaps partly to the unskilfulness of his physicians, a mortification took place, which ended in the death of this unprincipled nobleman, whose administration had brought so many misfortunes upon his unhappy country.

CHAPTER II.

LAUDERDALE AT THE HEAD OF AFFAIRS; ARBITRARY PROCEEDINGS OF THE GOVERNMENT; COURT OF HIGH COMMISSION RESTORED; INCREASED PERSECUTIONS; RISING IN THE WEST, AND BATTLE OF PENTLAND; PROPOSALS FOR A UNION.

THE spring of the year 1663 found the kirk in the western districts of Scotland almost without ministers, nearly all the benefices having been vacated by the refusal of their incumbents to comply with the terms required by the Glasgow act. To make up this deficiency, a number of young men, who had hitherto been rejected from the ministry on account of their imperfect learning or for their immorality of life, were brought from the north, and, as the bishops were not very exacting in either of the two qualifications alluded to, they were quickly collated to the vacant livings. Contemporary writers of all parties agree in representing the conduct of these men as generally a disgrace to their profession, and they were so much disliked by the people, who called them contemptuously "bishops' curates," that on their arrival to take possession of their cures, they were not unfrequently received with showers of stones, and their church-doors were barricaded against

them. Two consequences soon followed from this state of things. In the first place, the churches were deserted by their congregations, who either travelled to a distance to hear the preaching of some one of the old ministers who had not fallen under the terms of the Glasgow act, or passed their sabbath in their own houses, reflecting bitterly on the evil times which had fallen upon them. On the other hand, the ejected ministers, who alone enjoyed the popular confidence, being deprived of their pulpits, admitted people to their family devotions, which soon became so crowded, that they were obliged to perform them outside their doors, and adjourn thence into the fields. Thus originated the practice of field-preaching, which increased so rapidly, that the bishops became seriously alarmed.

Such was the state of things when Rothés, as the commissioner for the king, proceeded to Scotland to open the parliament. He was accompanied by Lauderdale, who, under



JOHN LESLIE, DUKE OF ROTHES.

OB. 1681.

FROM THE ORIGINAL OF SIR PETER LEIN IN THE COLLECTION OF

THE RIGHT HON^{BLE} THE EARL OF ROTHES.

pretext of examining into some of Middleton's misdeeds, was really intrusted with the direction of the government of Scotland; and on the border they were received by a great concourse of people, all anxious to pay their court to the new rulers, in the hope of gaining their favour, or of escaping from any share in Middleton's disgrace. In Edinburgh, the commissioner held a council the same night, and there produced a letter from the king for adding to the council the archbishops of St. Andrews and Glasgow, and Lauderdale's brother, lord Hatton. He next signed a warrant for the release of the lord Lorn from his imprisonment in the castle, where he had remained until the king's final pleasure were known. Lauderdale and Rothes found the utmost degree of subserviency both in the council and in parliament; and an attempt by Glencairn to collect Middleton's friends together, and organise an opposition in the latter body, failed entirely.

Parliament met on the 18th of June, 1663, and began by surrendering its privilege of the free election of the lords of the articles. The plan now adopted, and which was immediately passed into a law, gave the nomination of the lords of the articles virtually to the bishops. The prelates retired to the exchequer-chamber, and there chose eight of the nobles, while the nobility in the inner house of the session chose eight bishops. These sixteen then met in the inner exchequer-chamber, and they then proceeded to the election of eight barons and eight commissioners of burghs, which completed the number. The commissioner's approval of the persons chosen was then obtained, and the whole list was finally read in the parliament and the election confirmed. This was followed by several other acts equally characteristic of the baseness of the parliament. The subject of field-preaching, and of the desertion of the churches by their congregations, was laid before parliament by the clergy, and an act was passed which included both these inconveniencies. All ministers who refused to attend the diocesan meetings were to be deprived, and if they should continue to preach after deprivation, they were to be punished as guilty of sedition. Every nobleman or heritor who should wilfully absent himself from his parish church on the sabbath, was to be fined a fourth part of his rent in that year in which the offence was committed; a yeoman or farmer thus absenting himself, was to forfeit on each

occasion the fourth part of his movables; and a burgess was subjected to the same fine, with the addition of forfeiting the freedom of the burgh, and being subjected to such corporeal punishment as the council might think proper to inflict. The covenants were, by another act, to be abjured under similar penalties. By another act, all regulations relating to foreign trade, and the imposing of duties or restraints, were declared to belong to the king by his prerogative, and to admit of no limitation. Under cover of this act, freedom of commerce was ruined by numerous grants of monopolies and patents. This parliament further testified its devotion to the crown, by offering to raise twenty thousand foot and two thousand horse to serve the king in any place in Scotland, England, and Ireland. The parliament was further disgraced by an act of vengeance of peculiarly ungenerous character. As we have already seen, lord Warriston had escaped the warrant for his arrest, and he had now been living quietly in Germany for two years, though, as it would appear, watched by the spies of the English court, for the king had never forgiven him the freedom with which he had censured his profligacy in Scotland. Having about this time very imprudently visited Rouen in Normandy, Warriston was immediately claimed of the French king, and he was seized and sent over to Scotland. Although in a feeble state of health, he was led on foot, and bare-headed, as a convicted traitor, from Leith to Edinburgh, and when brought before the parliament to receive his sentence, his mind seemed to be reduced to a state bordering on imbecility, and his behaviour was such that some of the members, touched with compassion, urged that the sentence should be delayed. But Lauderdale knew that the king would be satisfied only with his death, and he interposed to silence the voice of mercy. After a sound sleep, Warriston awoke on the morning of his execution with his reason and his memory returned, and he underwent his fate with a dignity worthy of his former life.

After the close of this session, parliament having done all that was required from it in surrendering the national liberties, the privy council usurped its authority, and the country was ruled entirely by its arbitrary acts. Nor, indeed, had they waited for the dissolution of parliament to exercise this authority. In the August of 1663, while it was still sitting, an act of council was

issued, forbidding all ministers who did not attend the bishops' courts, and yet persisted in preaching or holding conventicles (the term now applied to the private meetings), from residing within twenty miles of their former parishes, within six miles of Edinburgh, or of any cathedral church, or within three miles of any royal burgh. It was of course supposed that it was the notoriety of the minister which attracted his hearers, and that by this measure they would confine him to a spot where he would not be known, and therefore where he would no longer attract attention. Every absentee from church was by this act of council subject to a fine of twenty shillings Scots for each day's absence; all who attended on the conventicles of whatever description, or, as they were termed, meetings for religious exercises, were liable to the penalties of sedition; and all masters of families and landlords were made responsible for the attendance at church of their servants and tenants, and ordered, under heavy penalties, to turn them away or eject them from their tenures. The execution of this act was left entirely with the military, who were themselves to appropriate the fines, while the only restriction placed upon them was that they should levy them on the accusation of the curates. The natural result of this arrangement was that the fines were exacted in the most unjust and barbarous manner, and when a person had been pointed out by the curate to the soldiery, the latter often exacted double the amount of the fine as fixed by the act itself. If the slightest hesitation was shown in the payment, a party of soldiers was quartered upon the recusant, who eat and destroyed everything, and numbers of respectable families were ruined and turned out upon the world as beggars. The poor, who had not wherewith to pay, were insulted and ill-treated, and dragged to prison. At each church, after sermon on the sabbath, the curate read a scroll of the names of the parishioners, and the names of all who were not present to answer when called upon, were immediately delivered to the military for summary treatment. It was in the west, where a detachment of troops had been sent under sir James Turner (a man distinguished by his ferocity), that these proceedings were carried on with the greatest violence, and that under the immediate direction and under the approval of the archbishop of Glasgow (Burnet.)

In fact the bishops showed an inclination to go far beyond their secular brethren in the work of persecution. It is said that when Glencairn, who was one of the great advocates of the introduction of episcopal government, proposed this measure, he imagined that the bishops would be moderate in their pretensions, and that they should be subjected to the civil power; but that Lauderdale, who was then opposed to the measure, and possessed a far deeper knowledge of men, told him that if he would have bishops, he would find them come with higher pretensions than they had ever shown before. Glencairn disregarded the warning, and the bishops were introduced, and now he found that Lauderdale was in the right. The violence of the ecclesiastics led to disputes in the council itself, which became divided into two parties. Sharp, the primate, complained of the little zeal which Glencairn, as chancellor, showed in supporting the ecclesiastics, while Glencairn reproached the prelates with their ambitious and persecuting spirit. The archbishop, in the utmost indignation, hurried off to London to complain of the remissness of the nobles, and the English prelates supported him in his demand for the reintroduction into Scotland of that most obnoxious of all tyrannical institutions, the court of high commission. This iniquitous court was erected by the king's sole authority, which had been so obsequiously recognised by the Scottish parliament; archbishop Sharp was not only named first in the commission, but by virtue of this appointment he was authorised to take precedence of the lord chancellor; and the powers of the court were of the most extensive kind, subject to no appeal, all magistrates being ordered to execute its orders, and the council to grant letters of horning upon its fines, without hesitation or inquiry. No person who was once drawn within the action of this court had any chance of escape, for if he had proofs of innocence, he was not allowed to bring them forward, or they were overruled, and if the charge on which he was brought before the court could not be sustained, some other was ready at hand into which he was entangled. The court consisted nominally of nine ecclesiastical and thirty-five lay members, of whom five, including one prelate, made a quorum, but the bishops contrived to overrule everything. The lay members of the court attempted at first to regulate it by some sort of legal

forms, but archbishop Sharp exclaimed against this as a betrayal of the church, and he was supported by the king's commissioner, Rothes. Soon nothing could exceed the tyranny of these proceedings, and respectable people, on the most trifling charge which involved even no more than a reflection upon the church in conversation, were thrown into prison, or were publicly whipped, branded, and sold as slaves to be sent to the plantations. Multitudes of people fled to Ulster to avoid these iniquitous proceedings, and others allowed themselves to be outlawed rather than appear before the court. The nobles soon became ashamed of it, and ceased to attend, and after it had been in existence somewhat more than a year it fell into such absolute contempt, that nobody would attend it either as judges or as culprits. Thus, after having in a short time inflicted on the country an immense amount of misery and mischief, the court of high commission expired at the end of two years from the impossibility of sustaining itself.

Some new changes in the administration were caused soon after this by the death of the earl of Glencairn, which made a vacancy in the office of lord chancellor of Scotland. Archbishop Sharp's ambition was again excited, and he attempted by a low intrigue to obtain this important office in addition to those he already held, but he was disappointed. Nevertheless, the new appointments were all calculated to support and give new intensity to the episcopal persecution. Rothes, an unscrupulous supporter of the court and of the bishops, who was already the king's commissioner and the commander of the forces of the kingdom, was appointed to the chancellorship; and to this accumulation of offices was soon afterwards added the treasurership, made vacant by the forced resignation of the earl of Crawford.

Meanwhile persecution raged in every part of the country, but especially in the west, where sir James Turner with his licentious troops made repeated incursions as though they were visiting the country of an enemy. The court of high commission had been relinquished, but the privy council had fallen entirely under the influence of archbishop Sharp, and authorised every act of passion which that furious prelate chose to dictate. Their wrath was continually provoked by reports of the increasing numbers who assembled on the moors and hills

to listen to the exhortations of faithful preachers, or who performed the rites of religion in private houses unauthorised by the ecclesiastical authorities. They attempted to suppress discussion or even the slightest freedom of discourse, and began a general crusade against written as well as printed papers. One of these was an English translation by a minister of the name of Crookshanks of the Latin treatise of Buchanan, *De jure regni apud Scotos*, copies of which, in manuscript, were circulated among the covenanters. A proclamation was issued by the council, commanding all copies of this book to be delivered up, and threatening with prosecution on the charge of sedition any person in whose possession they were found. Even the speech of lord Warriston on the scaffold, which had been printed, was proscribed, and the printer ordered to be imprisoned. A small book had been printed in Holland, written it was said by one of the presbyterian ministers, Mr. Brown of Wamphray, and entitled an *Apologetical Relation* of the sufferings of the faithful ministers of Scotland since the year 1660, and it was secretly imported into Scotland in considerable numbers. The council, in great anger, ordered this book to be burnt by the hands of the common hangman, and imposed a fine of two thousand marks on any person who should be found possessing a copy after a certain day; but the effect of this proceeding was to make the book more sought after and more extensively read.

The persecution was increasing in intensity, and within a few months the western districts, which had always been the stronghold of pure presbyterianism, were subjected three times to the invasion of the military, and in the course of the year 1666, sir James Turner, the fiercest of these military persecutors, quartered the troops under his command in the west during seven months. Preparatory to it, a measure was adopted which, in the political condition of Scotland, seemed unusually arbitrary. Scotland had not yet possessed a standing army, its military force depending on the people, who were all trained to and possessed of arms, which were to them almost a birthright. As it was easily foreseen that arms were dangerous things in the hands of an oppressed and persecuted people, an order was suddenly issued for the disarming of the western counties, and to make this measure still worse, it was done under the insulting pretext that the Scots might join the Dutch,

who were at this time at war with Great Britain. Nor was this all, for, under the same pretext, twenty of the leading gentlemen of that part of Scotland were thrown into prison, in order to terrify as well as weaken any opposition, while, by carrying them into another part of the country it was believed that their example of resistance would be taken away from the districts in which they were personally known. Then came the persecution. "This spring," Wodrow tells us, speaking of the year 1666, "sir James Turner makes a third visit to the presbyterians in the west and south, and it was the severest visitation they yet felt. Now the curate, with two or three of sir James's soldiers, fined whom they pleased, and made their exactions as large as they would. Their severities the former years were mostly upon the common people; but now the gentleman must pay, if his lady, servants, or tenants, were not exact in their attendance on the incumbent's sermons. The tenants must be oppressed if his landlord withdrew, though he and his family attended closely. The widow, the fatherless, the old and infirm, are not spared; the poor must beg to pay their church-fines. The meat is snatched from the innocent children's mouths, and given to the soldiers' pleasure-dogs. Many houses were quartered upon, till all the substance was eaten up, and then the furniture is sold or burnt. Thus multitudes of poor families were scattered, and reduced to the last extremity. If any complained to the officers of the illegal and barbarous procedure of their soldiers, they were beaten; if to the statesmen, they were neglected. It was said, some of our noblemen at this time were so far wearied of the merciless methods of the prelates, that they appeared very little careful how odious they rendered themselves. Indeed, if the bishops were formerly hated for their perjury and profaneness, every merciful and ingenuous man now loathed their cruel and unrelenting temper; and their own practises did them a great deal more hurt than all the field-meetings and preachings in houses privately were capable of doing. In a few weeks the curates and soldiers gathered upwards of fifty thousand pounds Scots from the west country precisely for their nonconformity." "Truly," a gentleman writes from Galloway, in the midst of this persecution, "truly, sir, though I be no fanatic, nor favourer of fanaticism, yet I cannot but be deeply affected, not only as a christian, but as a man and member

within this kingdom; for these things that are fallen out here seem to import, not only the breaking of some of that party called fanatics, but the quiet undoing of a considerable part of this kingdom, and putting them out of all capacity to be serviceable in the necessary defence of the rest against the invasions of a foreign army, when we are so often threatened. For in these bounds generally all men (without difference) are disobliged and discouraged from doing any service in that sort, if there should be occasion offered. I wish a due impression upon you also, and every one who minds the general good of the land, and chiefly our rulers, upon whom are the managing of affairs under his majesty, that remedy might be found out for preventing the weakening and destroying our own selves, especially now when we are in hazard from our enemies abroad. But it is a sad matter that no man dare represent his grievances or complain of wrongs done to him or his interests, lest he be ill-looked on, and put himself in hazard of greater sufferings, as several here have found by sad experience, for complaining to the commanders. The first of these sufferings was begun in the year 1663, about mid May, when the forces came into Dumfries and Kirkcudbright. The second war in the year 1665, when the party, horse and foot, came in under the command of sir James Turner. The third was in this present year 1666, about the month of March, or beginning of April, when the party came in under the command of the said sir James Turner, who yet continues in the country. At the first two times, the stewartry of Galloway mainly suffered by them, but in this last expedition not only Galloway but also the sheriffdom of Nithsdale hath suffered, of which I have sent you a short account here enclosed; first, as to their grievous exactions from that people, who were but poor before this time in comparison of other parts; next, you will find some instances of several of the soldiers' inhuman and also atheistical deportment in these bounds. I could have sent you likewise an account of many stumbling-blocks the people have from their present preachers whom they call curates, both as to their abrupt entry, and contrary their consent; and as to the light and unsober conversation of the most part of them wherever they come, and also their insolent and unbecoming carriage in pulpit; but I forbear in this, lest I trouble you with tediousness, there are so many instances of this sort; and it is need-

less, seeing they are so notorious to all men in these bounds; only (to make you laugh) I must add one, before I proceed, which is certain. One of these called curates, on a certain sabbath, inveighing against his people that they did not keep the kirk, he threatened them after this manner:—‘God nor I be hanged over the balk of that kirk,’ and at another time, ‘God nor I be hanged over this pulpit, but I shall gar you all come in from the highest to the lowest!’ By these things, you may easily guess if these men be fit to travel in the weighty work of the ministry, or that they can either gain love or authority among the people, for all the business that is made to bring them to subjection. Sir, I hope you will not question but I am a lover of his majesty’s interest and the country’s good, having given some proof of this in former times; but considering the carriage of these men, and of them who are employed at this time to bring the people to conformity, I am far mistaken if either the one or the other be fit instruments for persuading others to their duty either to God or man; yea, I am apprehensive that the way which is taken shall prove a means of strengthening that people in their former principles, and rendering episcopacy, bishops, and such preachers, more hateful to them than ever before, rather than bring them to a cheerful submission; and others who shall hear of the very deplorable case of this country, cannot but be induced both to compassionate them, and also grow in more dislike of the course now carried on. And to speak the truth, it seems there could not have been a more expeditious way found out for weakening that cause of conformity, and strengthening that cause of those who now suffer; yea, I dare say, it hath done as much to this purpose, if not more, than all the preachings on the hills and in houses by the casten-out ministers. This people are weakened in their estates indeed, but confirmed in their opinion. It is palpable that the intended conformity cannot be gained by such extreme dealing, but rather marred.” In the sequel of this letter, the writer, who does not appear to have been inclined to exaggerate, gives a list of the church-fines extorted in only twenty-three parishes, in the counties of Galloway and Dumfries, amounting together to nearly sixty-two thousand pounds Scots, besides other enormous fines and penalties. He adds: “That, by and attour (*besides*) all the foresaid losses, there

are many families (whose sums are not here reckoned) in probability totally ruined, and many others scattered already; for instance, in Lochrutton, a little parish, I find to be reckoned to be above sixteen families utterly broken. In Irongray parish, the most part of the families put from housekeeping already, the soldiers having violently taken away, both there and elsewhere, from several families, the thing they should have lived on, even to the leading away of their haystacks. I forbear to set down the rest of the broken and ruined families, until I can give you a more distinct account; only I can tell you in general, that utter ruin to the most part of the families in this country is like to be the consequence of these grievous and intolerable impositions; and also, to my certain knowledge, there are several gentlemen who formerly were well to live, that are now put from housekeeping, and forced to wander; yea, ofttime to be beholden to others for a night’s lodging, the soldiers having possessed themselves in their houses, cattle, plenishing (*furniture and provision*), barns, &c. Ordinarily, wherever they come to quarter, they do not rest content with sufficiency, but set themselves to waste needlessly; at some times send for sheep off the hill, and cast whole bulks of them to their hounds and ratches; also by treading and scattering corn and straw, they and their pedies at their pleasure, and usually saying: ‘We come to destroy, and we shall destroy you.’ They have this for an ordinary use, that when they have eaten up the master or landlord, they fall next upon the poor tenants to eat them up also; yea, though they were never so conformed to hearing, &c.; whereof I could show many instances, which I cannot for shortness. Also, in other places, when they have consumed the tenant, they have fallen upon the landlord; this they did in Kirkmahoe, upon a gentleman, who (for aught I know) conforms all the length they press him to as yet. It is observed everywhere in that country, that those who have conformed, and are obedient to the laws from the beginning, and others who have conformed of late, do no less suffer than those who hold out to the last; yea, some in several parishes, who have given subjection to what is demanded, have suffered more than some who have given none, which has produced an universal discontent and outcry in this country. And many husbands here who yield obedience to the full length, are

punished by fining, cess, and quarter, for their wives' not obedience; and ye know, sir, that is sad, for there are many wives who will not be commanded by their husbands in lesser things than this; but I must tell you that this hath occasioned much contention, fire, and strife in families, and brought it to this height, that some wives are found to flee from their husbands, and seek a shelter elsewhere, and so the poor good man is doubly punished for all his conformity. . . . Wherever the soldiers come to quarter, they ordinarily hinder or else interrupt the worship of God in families by their threatenings and blasphemous expressions; yea, the poor people are so straitened, that scarcely they have liberty to call on God in secret places, but they are punished by those men, and cruelly mocked, to the constant grief, vexation, and disquiet of those upon whom they are quartered. Notwithstanding of all these impositions upon that people, and aggravations of their sufferings above-mentioned, yet the people are commanded to take a bond, wherein (besides all the particular obligations required in that bond) is contained an acknowledgment, that the commander of that party has dealt civilly and discreetly with them."

Such was Scotland under the episcopal persecution of 1666. But the government, not content with the infliction of this amount of suffering, contrived to add fearfully to people's burdens, by demanding the arrears of the fines laid on by Middleton, the payment of which had been suspended at the time of his disgrace; and this was done in a most oppressive manner. "Another kind of fines exacted this year," says Wodrow, "to complete the misery of the poor country, were those imposed by Middleton, in his second session of parliament. The payment of those was suspended, from time to time, till Middleton was turned out. A little after, those were divided into two moieties, and a day assigned for the payment of the first. Some who were able and well-informed of the hazard of delays, paid the first share, and got their discharge; but a good many others did not. At length a proclamation comes out, ordering all to pay the whole fine imposed against a certain day of this present year; and the council remit it to the commissioner, the earl of Rothes, to take his own way to collect the fines. His method was this: the troopers of the king's guard are ordered to different parts of the

country, especially in the west and south, where most of the fined persons were, with lists of those from whom they were to uplift such and such sums. The gentlemen of the guard were commanded to take free quarters in the houses of all in their lists, till they had paid to the utmost farthing. With these severe orders, a new snare was added, further to corrupt the country. Any who would take the oath of supremacy, and subscribe the declaration openly in any court, had the half of the fine remitted, as had been concerted last year; and such who had no latitude for those, must have the whole exacted with the utmost rigour. Through the west and south, multitudes were obliged to pay the whole, yea, much more. Noblemen, gentlemen, and commons, when the troopers came to their houses, if they had not the money, went presently and borrowed it, and gave it them; but this was not all, they must go to Edinburgh, and report their discharge, and when there satisfy the troopers over and above. This was called 'riding-money;' and sometimes the riding-money was as much as the fine itself, to the common sort. No excuse was sustained, but the taking the foresaid oath, and the subscribing the declaration before the day prefixed in the proclamation. This few complied with, as contrary to their principles and conscience; so that the uplifting of these fines, as well as those for precise nonconformity, was undoubtedly persecution for conscience' sake, as well as a most arbitrary and illegal imposition in its own nature. Some offered to abide a trial at law, as being free from all acts of rebellion, which, as we have heard, was the pretext of the imposing the fines, and to renounce all benefit by the king's indemnity. This seems indeed to be allowed in the act of parliament, but would not be received by the soldiers; all must pay. Such who could neither entertain the troopers, nor command the money required of them by the act of fines, were straightway haled to prison, where not a few lay a considerable time at the king's charges; and so great was the poverty many were reduced to by such measures, that the troopers, when they met with a beggar in their way, would ask in jest if he were fined. . . . Vast were the sums exacted at this time, and the collector of the parliamentary fines, though formerly a person of a broken fortune, came to buy an estate and build a sumptuous house. Our managers thought

to have divided these spoils among themselves; each party, when in power, looked on them as theirs; first Middleton and his dependents, who imposed them, and then Lauderdale and his party, who uplifted them; nevertheless, both missed their aim, and bishop Sharp outwitted them both; and within a little, they were by the king's orders applied to the payment of the army which was raised at his instance."

In fact, though between church and state, the country was oppressed to such a degree that we cannot help wondering at the patience with which the presbyterians supported it, yet the result in converting or overcoming them did not answer the expectations of the bishops, and archbishop Sharp, in the violence of his persecuting zeal, charged this to the *over lenient* policy of the government. Burnet has preserved a story which deserves to be given in his own words, as a characteristic picture of the men who were ruling over Scotland. "The truth is," this writer tells us, "the whole face of the government looked liker the proceedings of an inquisition than of legal courts; and yet Sharp was never satisfied. So lord Rothes and he went up to court in the first year of the Dutch war. When they waited first on the king, Sharp put him in mind of what he had said at his last parting, that if their matters went not well, none must be blamed for it but either the earl of Lauderdale, or of Rothes; and now he came to tell his majesty that things were worse than ever, and he must do the earl of Rothes the justice to say, he had done his part. Lord Lauderdale was all on fire at this, but durst not give himself vent before the king, so he only desired that Sharp would come to particulars, and then he should know what he had to say. Sharp put that off in a general charge, and said he knew the party so well, that if they were not supported by secret encouragement, they would have been long ago weary of the opposition they gave the government. The king had no mind to enter further into their complaints. So lord Rothes and he withdrew, and were observed to look very pleasantly upon one another as they went away. Lord Lauderdale told the king he was now accused to his face, but he would quickly let him see what a man Sharp was. So he obtained a message from the king to him, of which he himself was to be the bearer, requiring him to put his complaints in writing, and to come to particulars. He followed Sharp home, who received him with such a gaiety as if he

had given him no provocation. But lord Lauderdale was more solemn, and told him it was the king's pleasure that he should put the accusation with which he had charged him in writing. Sharp pretended he did not comprehend his meaning. He answered, the matter was plain, he had accused him to the king, and he must either go through with it and make it out, otherwise he would charge him with leasing-making, and spoke in a terrible tone to him. Upon that, as he told me, Sharp fell a trembling and weeping; he protested he meant no harm to him; he was only sorry that his friends were upon all occasions pleading for favour to fanatics (that was become the term of reproach.) Lord Lauderdale said that would not serve his turn; he was not answerable for his friends except when they acted by directions from him. Sharp offered to go presently with him to the king, and to clear the whole matter. Lord Lauderdale had no mind to break openly with him; so he accepted of this, and carried him to the king, where he retracted all he had said in so gross a manner, that the king said afterwards, lord Lauderdale was ill-natured to press it so heavily, and to force Sharp on giving himself the lie in such coarse terms. This went to Sharp's heart; so he made a proposal to the earl of Dumfries, who was a great friend of the lord Middleton's, to try if a reconciliation could be made between him and the earl of Rothes, and if he would be content to come into the government under lord Rothes. Lord Dumfries went into Kent, where the lord Middleton was then employed in a military command on account of the war, and he had Sharp's proposition laid before him. The lord Middleton gave lord Drumfries power to treat in his name, but said he knew Sharp too well to regard anything that came from him. Before lord Dumfries came back, Sharp had tried lord Rothes, but found he would not meddle in it; and they both understood that the earl of Clarendon's interest was declining, and that the king was like to change his measures. So when lord Dumfries came back to give Sharp an account of his negotiation, he seemed surprised, and denied he had given him any such commission. This enraged the earl of Dumfries, so that he published the thing in all companies; among others, he told it very particularly to myself."

The primate, however, succeeded in his main object, which was to obtain the appointment of a standing army to assist the

bishops in their crusade against the presbyterians. The king agreed, without much difficulty, to this proposal, as the army was to be supported with the fines it would be employed to levy, or, in other words, it was to support itself, and he gave orders for levying an army, for the purpose, to use the words of the nearly contemporary chronicler, of "guarding the prelates, executing arbitrary commands, and suppressing the fanatics." This army, consisting of about three thousand foot and eight troops of horse, was placed under the command of Thomas Dalziel of Binns, a man of naturally ferocious temper, which had been made worse by a service of some length of time in Muscovy or Russia, then considered as by far the most barbarous country in Europe. Drummond, his lieutenant-general, had been in the same service. Among the officers serving under them were the duke of Hamilton, the earls of Annandale, Airly, and Kincardine, the lord Newburgh, and other noblemen. This force having been organised, an arbitrary proclamation was issued, threatening the utmost penalties against all non-conformists. This continual persecution embittered the minds of the population, and there can be no doubt that they only wanted able and respectable leaders to cause a general insurrection.

"Upon Tuesday, November 13th, 1666," Wodrow tells us, "four countrymen, after great hardships, and long fasting in their wanderings, came to the small country village of Dalry in Galloway, to get a little refreshment. Upon the highway, a little from that place, they accidentally met with three or four soldiers, driving before them a company of people, neighbours to a poor old man in that place, who had fled from his own house himself, in order to oblige them to thrash out the poor man's corns, that of them they might make money, to satisfy for his church-fines, as they were now termed. This troubled the four honest men very much, yet they passed by the soldiers, and came to the house they designed. When there they are taking a little refreshment, information is brought them that the soldiers had seized the poor old man, brought him to his house, and were going to strip him naked and set him upon a red-hot gridiron upon which bread used to be baked, and were using unheard-of torture and barbarities towards him. Whereupon they resolved to do what in them lay, to relieve the poor man their fellow sufferer; and presently came to the house, and ear-

nestly entreat the soldiers to let him go, and desist from their severities. Two of the soldiers were with the man himself, and refused the countrymen's desire, and some high words passed betwixt them; upon the hearing of which, the other two rush out of another room where they were, with drawn swords, and made at the countrymen, and almost killed two of them. Thereupon one of them discharged his pistol, loaden, as I am told, with tobacco-pipe, all the ball they had, and hurt one of the soldiers. This quickly made the rest yield, and the countrymen disarmed them, and made them prisoners; and the poor old man is happily delivered. Now the countrymen are engaged, and in as great hazard as they well could be. They knew they would be reckoned rebels, and therefore resolved to go through with it, and stand to their own defence the best way they might. There were about a dozen of soldiers in another place of the same parish of Dalry, about the same work, of oppressing the people for their church-fines. Lest these should come and destroy them, they resolve to prevent them; and that night seven or eight more country-people join the first four, and to-morrow morning early they went and surprised the party of soldiers. All of them quietly rendered their arms, except one, who making resistance was killed. By this time they might be assured of very terrible reprisals, and all the revenge sir James Turner was capable to make, who was now at Dumfries, some sixteen or eighteen miles distant; therefore the laird of Barscob, and some other gentlemen near by, now joined with the countrymen, knowing the whole country would be made equally guilty and perfectly destroyed, resolve to be beforehand with sir James; and gather together about fifty horse and a few foot, and, without any loss of time, upon Thursday, November 15th, march straight to Dumfries. There they surprised sir James Turner, make him prisoner, and disarm all his soldiers, without doing hurt to any of them, save one, who, upon his violent resistance, was wounded. When this was done, in their abundant loyalty they went to the cross of Dumfries, and publicly drank the king's health and prosperity to his government; for which they had very indifferent thanks. Such was the beginning of this insurrection, an occasional tumult upon a sudden fray, never thought of till it began. I am told, the person who seized sir James was Andrew





Engraved by W.T. Mearns

WILLIAM KERR, EARL OF LOTHIAN

OB 1673.

FROM THE ORIGINAL OF JAMIESON IN THE COLLECTION OF
THE MOST NOBLE THE MARQUIS OF LOTHIAN

Gray, merchant in Edinburgh, accidentally in the country at this time about his business; he left them very soon, as did many others; yet so many of them kept together with sir James their prisoner, as were the beginnings of their little army which was a gathering. Galloway had suffered most, and the oppression there was the beginning of the quarrel; yet, while they continued there, their numbers were very small, not exceeding three hundred men." In fact the very circumstance of the rising being unpremeditated and without any plan, discouraged prudent men from joining in it.

Information of this insurrection, the importance of which was considerably magnified, was carried immediately to the council at Edinburgh, and caused no little terror and alarm. A day or two before, the earl of Rothes had left for the court, and a dispatch was now sent after him. At the same time the council wrote letters to the earls of Annandale, Galloway, Kilmarnock, Glencairn, Cassillis, and Lothian, the lords Drumlanerie and Newbottle, and sir George Eliot, directing them to concentrate their forces in the disturbed districts. Next day general Dalziel was directed to march with all the forces he had to Glasgow, from whence he might advance to the place where he might hear that the insurrection had come to a head. The terror of the council was betrayed more unequivocally in their preparations for their own defence. On the first arrival of the news of a rising, they ordered the guards of the town of Edinburgh to be doubled, and the names of all lodgers to be immediately entered in a list and given in. On the 19th of November, the council passed a resolution that "considering the necessity of securing the town of Edinburgh from all attempts of rebellious persons, the magistrates of Edinburgh, Canongate, and Leith, and other places within their liberties, should cause the officers of the several companies to enrol all the soldiers under their command, and all of them, officers and soldiers, should give their oath to be true and faithful to the king, and that they shall defend his authority, and maintain the same against this insurrection and rebellion, and all others, to the hazard of their lives and fortunes; and if any refused, that they should be presently disarmed, their persons secured, and the council acquainted with their names." Nor was this all, for letters were sent to Fife to the earl of Wemyss and the lords

Newark, Melvil, and Burleigh, ordering them "to come in with their friends and followers, with horses and arms, to defend the town of Edinburgh; that so the king's authority may be defended from rebellious and disaffected persons now in arms." All this display of warlike preparations was made under the direction of archbishop Sharp, who presided in the council during the absence of Rothes, and his assumption of military authority gave considerable offence to some of the lords, who complained openly, and in no very courtly terms, that there should be nobody in Scotland to give orders at such a juncture, but a priest.

On the 21st, a hasty proclamation was sent down to the general to be proclaimed at the head of his forces, in which it was stated that, "whereas by the clear and express laws and acts of parliament of this kingdom, it is declared to be high treason for the subjects of the same, or any number of them, more or less, upon any ground or pretext whatsoever, to rise or continue in arms, without our special authority and approbation; and nevertheless a party of disloyal persons, disaffected to our government and laws, who have formerly tasted of our royal bounty and clemency, whereunto they owe their lives and fortunes, having forfeited the same by their former rebellious practices, under the cloak of religion, the ordinary colour and pretext of rebellion, have now again risen in arms, within the stewartry of Kirkcudbright, shires of Galloway and Ayr, and other western shires; and having in a hostile way entered within the town of Dumfries, have there, and in other places of the country, seized upon the persons of divers of our good subjects, have plundered and robbed them and others of their horses, arms, and other goods, and have done and committed many outrageous and treasonable deeds and attempts against our authority, and against and upon our loyal subjects. And we, out of our royal tenderness for the peace and quiet of this our ancient kingdom, being careful to repress the said rebellion, and that simple people be not ensnared by the said rebels and their emissaries, and involved in their rebellion; and to take off all pretence of ignorance or excuse, do therefore, with advice of the lords of our privy council, declare the said insurrection to be an open, manifest, and horrid rebellion and high treason; and that the authors and actors in the same, and their

adherents, are and ought to be pursued as professed and declared traitors unto us; and do hereby command and charge all persons, who are in arms against or without our warrant and authority, to desist from their rebellion, and to lay down their arms, and to render and present their persons to the lieutenant-general of our forces, or some others of our officers or magistrates, within twenty-four hours after publication hereof; with certification that if they continue in their rebellion after the said time, they shall be holden and proceeded against as incorrigible and desperate traitors, and that they shall be incapable of mercy and pardon. And we do discharge and command all our subjects, that no person presume to aid, assist, harbour, reset, or any way supply the said rebels, or any of them, under the pain of treason; and that they do not keep correspondence or intercommune with them, without warrant of our said lieutenant-general, under the pain foresaid; and we do expect in this juncture, and do require and command all our subjects to be assisting to our said lieutenant-general, under the pain foresaid, and being required by him, or others having authority from him to that effect, to rise in arms with all their power, and to join and concur with them for suppressing the said rebels, under the pain of treason, if they refuse or disobey. And further, we do strictly enjoin and command all masters of families, heritors, and other landlords, that they be careful and vigilant that their children, servants, and domestics, and their tenants and others under their power, do not break out and join with the said rebels; certifying them, if they be found negligent in their duty, or otherwise culpable in that behalf, they shall be looked upon, and severely punished, as disaffected persons and favouring and complying with rebels."

"This proclamation," observes Wodrow, "contains no promise of indemnity in it, upon laying down of arms, nor any encouragement to people to do so, as is usual in such cases. Whether this proceeded from haste, or from the cruel disposition and designs of their president, I am not to determine; but it is evident enough, this was upon the matter to command the people to come to the scaffold, and to require them to submit to the severities of the prelates, who were the fountain of all their miseries, and to subject to the cruelty of the arm, whom they had affronted; and such a pro-

clamation could have little other effect, but to embolden the poor men, and let them see they must either go through what they had begun or die. Twenty-four hours after the date of the proclamation are only allowed to them to submit, which was too short a time for its reaching Galloway; and I think the country-people were scarce come to Ayrshire as yet. It is not improbable there were views in this extraordinary proclamation; and whether it was afterwards improved by the primate, for justifying his severities on the persons who were taken prisoners, I know not; but sir George Mackenzie would from this palliate the execution of those good men, after quarter given by those who took them. But the terms given posterior to this proclamation, by such who had the king's power lodged with them, fairly remove anything that could be in this deed of the council; and if the proclamation was emitted with designs to be a cover to such a villany, it was not unlike the temper and cunning of him who was now at the head of the council."

Meanwhile the force of the insurgents was increasing very slowly. After the capture of sir James Turner at Dumfries, they sent a deputation to Edinburgh, to ascertain how far their friends there were inclined to assist them. A number of ministers, gentlemen, and others, met the same night the messengers arrived, in the room of one of the most zealous and resolute of the presbyterian ministers, Mr. Alexander Robertson, where it was debated how far it was their duty to join in the rising, or whether it was of a nature to justify any hopes of success. They met again in the same place at seven o'clock next morning, to resume the question, and, the general feeling being that it would be hard to lie still and do nothing at such a juncture, when their friends were exposing their lives for their religion and liberty, it was finally resolved that they should do all they could to assist the insurgents. Thereupon colonel James Wallace, Mr. Alexander Robertson, Mr. John Welsh, and others, set off immediately towards the west. But colonel Wallace was soon convinced that the means of carrying out their enterprise were likely to fall far short of their expectations. He was assured that forty horsemen, well mounted, would join him in the parish of Libbertoun, but when he arrived there, the forty had sunk down to seven or eight. "With these," Wodrow tells us, whose minute account of

this affair will give the best notion of the state of Scotland at this time, "the colonel made the best of his way to Linton, and from thence ordered off Mr. Robertson towards Lesmahago, to dispose people to join with him when he came thither; but he met with small encouragement. Thereabouts the colonel came with his men, and rested upon the sabbath. Next day they had notice that William Lockhart of Wicketshaw, with a party of Carluke men, and some others, were marched westward to the main army, and so they followed them. In the road the colonel called at captain Robert Lockhart's house, expecting Mr. Alexander Robertson there, according to appointment, but the captain and he were gone forward. When they came to Evandale, they had the first accounts of the laird of Blackwood's desiring to meet with the colonel, and to understand his design and motions. The colonel being uncertain of his character, did not wait, but went westward; and in their way to Mauchlin, he overtook captain Arnot, brother to the laird of Lochridge, and a few men with him. They lodged all together at Mauchlin, on the Tuesday's night. When there, they are informed their friends were all gone forward to Ayr, and thither they resolve to go. Their hopes were here mightily disappointed; they expected to have found all that country in arms for religion and liberty, but very few were stirring. They reckoned much upon major-general Montgomery, who had been harshly enough treated by the government, and the laird of Gadgirth; but find they were both at Eglintoun-house waiting upon general Dalziel. Several ministers they were made to hope would join them, were living quietly in their families. This very much offended the colonel and his friends, and discouraged them, when they found many whom they judged friends, as they reckoned the most part of that country, standing by unconcerned. Meanwhile, their friends were likewise grieved and mourning for their undertaking, looking upon it as very sudden, unadvised, and unconcerted; and fearing that in the issue it might prove unsuccessful and hurtful. However, the colonel and his men march on to Ayr, and find the body of the forces come from Galloway, and such who had joined them since, rendezvousing near the bridge of Doon; and when he was going towards them, a messenger comes from Cunningham, with accounts bearing that a considerable body of men

were ready there to join them, if they had one to gather and head them. Whereupon he sent off captain Arnot with forty horse, to encourage and bring them up, and he himself with the rest joined the general rendezvous. Upon the Wednesday, there they had certain accounts, that Dalziel and his army lay at Glasgow, and so they resolved to-morrow to march to the parish of Ochiltree, and have another general rendezvous there, where Mr. John Guthrie, minister at Tarbolton, came to them, with some men from that parish. When they were all come to the place of meeting, Mr. Gabriel Semple preached to them. And here they first modelled themselves into an army, choosing their officers, and disposing their men to the best advantage, and placing their guards. At Ochiltree they convene their first council of war, and after application to God by prayer, and reasoning upon their present circumstances, it was resolved that, since they could expect little more assistance from the south or west, except captain Arnot's company, that they should march eastward to Edinburgh, especially since they were apprehensive the enemy might attack them, if they continued much longer there, and that before they had got all the assistance they expected. So they marched eastward upon the Friday to Cumnock, and there got the accounts that one of their friends, John Ross, and a few men with him coming to them, were intercepted and broken by duke Hamilton's troop, and that the enemy was approaching them; and indeed the council were not wanting in raising the country, as well as sending the army upon them. Accordingly, I find one act in their register, November 23rd, 'act anent the shires of Renfrew, Lanark, and Ayr.' Its tenor is, 'Forasmuch as the insurrection at Dumfries and the western shires, is grown to an open rebellion, and the number of desperate rebels increases, these are to order out all fencible men in Renfrew, Ayr, and Lanark shires; and all who are absent from the general rendezvous are to be noticed and apprehended.' The same day rendezvous are appointed in Mid-Lothian, East Lothian, and Teviotdale; and colonel Hurry and major Thompson, with the forces under their command, are appointed to keep guard in the Canongate. Upon these advices, the little army marched from Cumnock that evening, forward to the Muir-kirk of Kyle (Muirkirk), in a most dreadful rain, and through a long muir

miserably deep. They reached not their quarters till two hours within night. Great were the hardships they came through, they were generally as wet as they had been dragged through a river; and wet as they were, their foot behoved to lodge in the church, without any meat that night, and little fire to dry them. Here Mr. Andrew M'Cormock, an Irish minister of great piety, commonly called the 'good man,' came to colonel Wallace, now chosen commander-in-chief, and acquainted him it was the opinion of Mr. Alexander Robertson and captain Lockhart, who it seems had been very unsuccessful in their endeavours for assistances to the colonel, that this rising should be followed no further, but the people dismissed in the fairest way that might be. The proposal was communicated to Mr. Gabriel Semple, a minister of very great authority among them, and urged with all earnestness. Nothing could be concerted that night, and to-morrow, being Saturday, they marched to Douglas, and towards Lanark. By the way, captain Arnot, with his Cunningham supply, came up with them. Two hundred had been promised, but they scarce amounted to forty.

"At Douglas, after they had set their guards and watch, they called a council of war, anent the proposal made by Mr. M'Cormock. After prayer to the Lord for direction in that matter of great importance, the question was stated, whether they should scatter or continue in arms? The reasons offered for giving up this enterprise, from the strength of the enemy, the smallness of their numbers, the dispiritedness of the country, and the present unfitness of the season for action, were all considered; the opinion of the ministers they had with them was heard, and then the officers gave theirs. All of them, after reasoning, agreed, that they had a clear providential call to this undertaking, and that they could not quit it till they had as plain a warrant to desist as they had to gather together. They were conscious to themselves, nothing was in their view but the freeing themselves and their country from the horrible oppression they groaned under, and to lay their grievances before the government, and humbly to crave redress, which they had anent to do no other way but in arms. They persuaded themselves, the Lord could work by few as well as by many, and hoped they were a handful of men in whom the Lord

would concern himself; and if such as had encouraged them to this enterprise and promised assistance, should fail, they could not help it, they were in the way of their duty. And as for themselves, if their desire misgave, they could say it was in their heart to 'build a house to the Lord,' and to act for the glory of God, and the cause of religion and liberty, and were not unwilling to die sacrifices for these; yea, they reckoned a testimony for the Lord and their country was a sufficient reward for all their labour and loss. Thus the proposal was laid aside, though it came from persons who were heartily friends to their cause and designs. The council of war had other two questions before them; one was anent the renewing the covenants these lands lie under, as soon as possible. Unto this all went in most unanimously; all of them, generally speaking, had taken them before with knowledge and reflection; and this work was now buried, and scandalously treated. Indeed they could have wished for more time to prepare for that solemn work, and more persons of all ranks to join in it; but now they had not their choice, and behoved to do things as they best could, and not still as they desired. And hereby they inclined to give a proof to the world, that their cause and principles were the very same with those of the church of Scotland, before her liberties were arrested out of her hand; and they knew no better preparation for death, if called to it, than a solemn resignation and dedication of themselves to the Lord. The other matter under their consideration they were not altogether so harmonious in—what to do with sir James Turner, whom they still carried about with them since they left Dumfries, being masters of no prison to put him in. Some were for putting him to death, as being notoriously guilty of murder, and a bitter and bloody instrument of persecution; but the most part were peremptory against this. Those acknowledged sir James had been a grievous oppressor, and the occasion of the death of many; but then they would have it considered he was a soldier of fortune, and had his commission for anything he did. Yea, I am told, that sir James produced letters from the bishops and others, with his secret instructions and orders for a great deal more than he had done; and that he really appeared to have been pretty moderate even in his severities, when his actings were compared with his orders which he produced, and repeated

letters from the prelates. Whatever be in this, moderate measures prevailed; he was spared, and carried forward with them. Sabbath morning they marched to Lanark, through Lesmahago. In the way, Knockbreck's two sons, with some few men from Galloway, overtook them, and signified no more were to be expected from the south. At night they came to Lanark, and set their guards and watch, and ordered their men the best way they might, and appointed officers, of which they were very scarce, to every company. This night it was intimated to the people of Lanark, that they designed to renew the covenant in that place to-morrow. It might have been expected this would have engaged the people thereabouts to join them; but such a terror at this time was upon the spirits of the country, that few or none of their best friends durst or would appear. To-morrow morning they were alarmed with the accounts, that general Dalziel was within a few miles of them; upon which some were for delaying the renewal of the covenants, but they were overruled; and so, after they had sent out their scouts, and set watches, the work was begun. They could not easily, with the townsmen and country about, be all in one place, and so they divided into two companies. The foot gathered together upon the High-street of Lanark, and Mr. John Guthrie, minister of Tarbolton, preached unto them. . . . After sermon he read the covenants unto them, to which, with uplifted hands, at every article, they engaged, with much affection and concern. The horsemen met at the head of the town, and Mr. Gabriel Semple and Mr. John Crookshanks preached. . . . After sermon, the covenants were read and sworn as above."

A declaration, or manifesto, was now drawn up, setting forth the causes of the rising and the object at which the insurgents aimed, but their position soon became too critical to allow them to derive any benefit from appeals to their countrymen. "It was at Lanark," Wodrow continues, "this rolling snow-ball was at the biggest, all their additions they could expect from the south and west being come up to them. Here their number was judged to be near three thousand, but indeed a company of raw undisciplined men, neither tolerably armed, nor in any order. It was the opinion of many, that if they were to engage with the regular troops, it had been best to have done it here, since after this

they melted away very sensibly; and, upon a supposition of their defeat, it would have been much their advantage to have met with it here, where the country was their friend. Indeed further east they had very few, and this the handful who remained felt afterwards. About this time, major Kilgour, and Mr. John Scot, minister of Hawick, came from the east to have joined them; but, when they observed their want of order and discipline, they quickly left them. While they were at Lanark, William Lawrie of Blackwood, came up to them. They hoped he was to have joined them, but he undeceived them, and signified he was come from duke Hamilton to commune with them, and to know what they desired, and to prevail with them, if possible, to lay down their arms. Whether this message was real, or only designed for their trial, I know not; but the gentleman produced no documents of any proposals from the duke, and he took not the way to do business, never applying to colonel Wallace, or any of the officers of the army, but spoke only a little to Mr. Gabriel Semple, and quickly withdrew. The council of war did not take this well, and afterwards wished they had made him prisoner, since this method he took looked as if he had come to set information of their power and numbers. Meanwhile, all the country was in motion; every sheriff mustered the heritors and fencible men, and all appeared ready to suppress this open rebellion, as it was termed. Reports and lies were spread to alarm the country, and stir them up against the people now in arms. It was pretended, forty ships with an army from Holland, were landed at Dunbar, to assist the whigs. Such senseless stories were coined to render this small handful odious to the country, and especially to England, who at present were in war with the Dutch."

Meanwhile the council in Edinburgh still acted as though under the influence of the greatest alarm. The capital was placed under arms, cannon were brought down from the castle to the gates, and the gentlemen from the surrounding country were called in to assist in the defence. Nor do these fears appear to have been dispelled by the despatches they received from Dalziel, assuring them that he was in close pursuit of the rebels, who evidently shunned an engagement.

"Monday afternoon, Dalziel, with his army, came up to Lanark; ere colonel Wal-

lace and his men left it, they were within view of Stonebyres. Now the poor countrymen had little time to deliberate: to march eastward looked like a plain flight, the general following close upon their rear; yet, chiefly upon the suggestions of some of the common soldiers among them, that West Lothian would join them, and some hopes that the city of Edinburgh would receive them, they resolved to go eastward, and to be at Bathgate that night. A worse step perhaps could scarcely have been taken by them; this being plainly to run into a net betwixt two armies, and on the sword point. No friends were at Bathgate to meet them; Edinburgh was all up against them, and sir Andrew Ramsay, the provost, is mighty active, and scarce an advocate but is armed *cap-a-pee*, and everything there is secured. It is a fatal thing in such circumstances to lean to false intelligence; there-upon groundless hopes are entertained, and unhappy measures run into. That night they came to Bathgate, through almost an unpassable muir, and one of the worst ways in Scotland. The night was extremely dark, and they reached not Bathgate till two hours after daylight was gone, neither was there any accommodation to be had there for men wet and weary and almost spent with fatigue. About eleven at night they had an alarm of the approach of the enemy, and at midnight were obliged to begin their march towards the New Bridge. When they came that length in the morning, they looked rather like dying men than soldiers going to a battle. It would have almost made their very enemies to relent, to have seen so many weary, faint, half-drowned, half-starved men, betwixt enemies behind and enemies before. It was reckoned they lost that night near half their small army; and truly, considering the way, season, and weather, 'it was a wonder the half of them got through. Yet, after all, they still entertained some hopes from their friends in the 'good town,' and so resolved to march to Collinton, within three miles of it; though they should have known there was an army at Edinburgh, and the general with his army by this time was come to Calder, within five miles of them. Meanwhile, all gentlemen and others who have horses in Edinburgh, are by the council ordered to mount them, and march out, under the conduct of the marquis of Montrose, to join the general. At Bathgate, the 27th, or early on this day, the 28th, Mr. John

Guthrie fell into a most violent fit of the gravel, to the greatest extremity a man could be in, no doubt occasioned by the cold and ill-accommodation he had got these days by-past, and was carried off at the desire of all present; and so he was not at the engagement. This day, or Monday, a few gentlemen in Renfrewshire, and their neighbours, had gathered together a small company of horsemen, some call them about fifty, with a design to join colonel Wallace; but when they were gathering, and a little way upon their road, information was given them that Dalziel was betwixt them and their friends; and upon this they saw good to retire and dismiss. The captain of this little troop was William Muir of Caldwell, and with him were Robert Ker of Kersland, Caldwell of that ilk, the laird of Ralston, John Cunningham of Bedland, William Porterfield of Quarrelton, Alexander Porterfield, his brother, with some others. They had with them Mr. Gabriel Maxwell minister at Dundonald, Mr. George Ramsay minister at Kilmaurs, and Mr. John Carstairs minister at Glasgow. The last, I am told, came with them much against his inclination, and engaged only to obtemperate the importunity of his friends, and not till he had reasoned, as far as was proper, against the project, and very much dissuaded from it. The laird of Blackston, in the shire of Renfrew, was likewise with the foresaid gentlemen, but, it would seem, very accidentally. I am informed that, when they were met at a country-house, one of them saw Blackston riding by, as was afterwards known, with a design to have joined Dalziel. Mr. Gabriel Maxwell went out to him, and, after some communing, prevailed with him to join with them; but he was so far from being a friend to the cause they were appearing for, that, I am told, as soon as he heard of the defeat at Pentland, he went to the archbishop of Glasgow, and, upon a promise of pardon, discovered and informed against the rest. I have the following account from other good hands in a different turn, that Blackston came to that meeting, not accidentally, but from a real regard to the cause colonel Wallace was appearing for; that the gentlemen were surprised when he came to them, as knowing his head was not so fully poised, as were necessary for consultations of that nature they were engaged in, and therefore kept their meeting apart from him; that he still hovering about the door, unhappily spied

a footman of my lady Rothes's carrying letters to Eglintoun; he, out of his ungoverned zeal, laid hold on him, opened the letters, and after perusal of them and returning them, sent him off; that the other gentlemen were highly offended at him for so doing, and thereupon broke up; and that he himself, afterwards reflecting in cold-blood on what he had done, thought fit to redeem his own neck by accusing his neighbours. The reader will find him afterwards led as a witness against the rest very early. The council confine him to his chamber in Edinburgh; and upon the 6th of December, they take off his confinement, upon a bond of a thousand pounds sterling, to appear when called. It was remarked that, after this, providence frowned very much upon him, and everything went cross. This he himself is said to have acknowledged in a paper he left behind him, when, a good many years after this, he went for Carolina, but he died at sea by the way."

"But to return to colonel Wallace and his decreasing army, when they are in the way to Collinton, the laird of Blackwood came up again to them, as sent by duke Hamilton, to entreat them to lay down their arms in hopes of an indemnity, which the duke promised to endeavour to procure. This gentleman concurred very earnestly with the duke's proposal. The colonel, and these with him, did not think they were out of their duty, and were much set upon presenting the grievances they and the country lay under, in order to have them redressed; and nothing of this being in the overture made, they could not fall in with it, and dismissed Blackwood, signifying they hoped for other things from him; and came to their next stage at Collinton. When it was too late, there they found that none of their friends in Edinburgh or the east country would stir; many were hearty well-wishers to them, but few had clearness to take up arms in such circumstances, and those who had found all the avenues stopped, and could not possibly appear. Here both their hopes and counsels were at an end. When at this pass, Blackwood comes a third time, and with him the laird of Barskimming, to renew the former proposal, withal signifying he had obtained the general's word of honour for a cessation of arms till next morning, and that he had undertaken as much for them. Finding themselves now very much disappointed, and in a very ill taking, at length they condescend in their council of war to name a commissioner

to go back with Blackwood to the general, and treat with him in their name. Their commissioner being outlawed, Blackwood and the other gave it them as their opinion, that the gentleman proposed would not be acceptable; therefore they conclude to write to the general by the two come from him. The letter was drawn, and signed by colonel Wallace. I have not been able to come by a copy of it, but am told it contained a representation in short of their sad oppression and heavy grievances, a declaration of their design, to apply to the council for redress, and their desire of a pass for one of their number, that misrepresent their grievances and desires more fully. They concluded with a request, that Blackwood might return to them with the general's answer as soon as might be. Instead of this, Dalziel, upon receiving of their letter, dispatches Blackwood in all haste to Edinburgh, to lay the letter before the council, and writes with him his own sentiments and an account of his present circumstances. How this was received at Edinburgh I have no further accounts than the following letter to the general, which I find in the council-books, dated this day. It appears to be writ after the accounts of a begun action, between the general and colonel Wallace, were reached Edinburgh; and I insert it here. 'Right honourable, the letter dated at Killeith (Kenleith) this day, from the earl of Newburgh, bearing the letter sent from one Wallace to your excellency, was read in council, and the proposals made in that letter considered, wherewith they are no ways satisfied. And because they seem to ground themselves upon the proclamation, they have sent one of the printed copies, whereby it will appear there is no such thing held forth as they pretend unto; and all they can expect from it is, that if they should lay down their arms, and come in to your excellency within the time appointed, they might petition for mercy. We are glad to hear your excellency hath now engaged the rebels, we hope in a short time to have an account of them, which shall be welcome news to your humble servant, St. Andrews, J. E. D. C. November 28, 1666.' Whether the general, by sending this letter to the council, had any view of favour to the country-people, I shall not determine; but it would appear all was trick and amusement, till he should come up with the colonel and his men, since no return was made to them, as they desired, nor the least hint given them of the sending their letter

to the council; and so, notwithstanding of all the assurances given of a cessation of arms, he marches his army straight towards them. Colonel Wallace and his men, notwithstanding of this imperfect sort of treaty, resolve on the best retreat they can, for their own safety and sustenance in the meantime; and turning by the east end of Pentland-hills, they resolve on the way to Biggar. From Collinton they march to the house in the muir; and from thence to the fatal spot called the Rullion-green, where they draw up the dispirited remains of an army, not exceeding nine hundred weary spent men. The reason of their forming themselves there, was not any view of a battle, for they were still in some hope of a peaceable conclusion from Blackwood's negotiation; but merely to review the state of their poor companies, and to prevent straggling.

"The order Wallace put his men in was this: upon the backside of a long hill, running south and north, he divided his men into three bodies. Upon the south of the hill there was a low shoulder, upon the north a high and steep shoulder. Upon the low shoulder southward he placed a small body of horse, under the command of Barscob, and the Galloway gentlemen; in the centre were the poor unarmed foot, under his own command, and upon the left stood the greatest part of his horse, under the command of major Learmont. This handful were scarce well put in this posture, when they were called to other work than a review. An alarm comes that a body of horses is approaching them. At first they pleased themselves, that it might be some friends coming to join them; but quickly they found it was Dalziel's van, who had cut through the ridge of Pentland-hills, and come straight from Calder towards them, quite undiscovered till they were within a quarter of a mile of them, upon a hill opposite to them. There was a great descent and hollow betwixt them, so they could not meet on that side. When they had viewed each other for some time, Dalziel sends out a party of about fifty horse to squint along the edge of the hill, and attack their left wing. Wallace orders out captain Arnot with a like number of horse, to receive them. The captain came up with the general's detachment upon a piece of level plain ground. After both had spent their fire, they closed upon the sword point, and fought it very stoutly for a good while. At length, notwithstanding all their advan-

tages, Dalziel's men run; and had it not been for the difficulty of the ground, their loss had been far greater than it was. Divers fell on both sides; and of the captain's party, Mr. John 'Crookshanks and Mr. Andrew M'Cormock, two ministers who had come from Ireland, and had very much encouraged the people to this undertaking. Upon this little advantage, Wallace advanceth with a party of foot towards the body of the enemy's horse, they being on a ground upon that side inaccessible by horse. This obliged them to shift their station, and to draw up on a bank or rising ground a little more easterly; and there they continued till all their foot came up. These being arrived, the general advanced towards Wallace, and drew up his whole army upon the skirt of the same hill, whereof the colonel had the ridge, which is called the Rullion-green. Being thus posted, the general orders out a great body of horse, attended with some foot, to attack the wing commanded by major Learmont. To meet those, Wallace orders out another party of horse flanked with foot. After firing on both sides, they close one upon another, and Wallace's foot force Dalziel's to give way, and his horse run also. A second party of horse, the same way, come from the general upon the same wing, and a second party meet them with the same success, and chase them beyond the front of their army. But a third body of horse (for the general had abundance to spare) coming up, made Learmont's men retire up the hill to their first station; and thus the dispute is mostly upon the left wing of Wallace's army. When they had acquitted themselves so gallantly, Dalziel advances his whole left wing of horse upon the colonel's right, where he had scarce thirty weak horse to receive them. These were soon borne down, and the general carried the charge so briskly that all Wallace's companies gave way, were put out of their orders, and never able to rally again. The slaughter was not very great. The colonel had happily placed his men, and most of them were upon the top of the hill, and got the easier off. It was almost dark night before the defeat; and the horsemen who pursued were most part gentlemen, and pitied their own innocent and gallant countrymen. There were about fifty of the countrymen killed, and as many taken prisoners; a very few of Dalziel's men were killed, but several wounded."

After this battle, which took place on the

28th of November, "Colonel Wallace and Mr. John Welsh fled over the hill northward; and when they had turned their horses from them, entered into a countryman's barn that night, and, after some very refreshing rest, got off undiscovered. We shall afterwards meet with Mr. Welsh about his master's work. The colonel, after some wanderings, got over to Holland, and lived many years there, but never returned to his native country. Thus was this body of good people broken and dissipated. It was next to a wonder, and can scarce be accounted for, except from the goodness of their cause, that they were so brave on this day of their defeat, if either the constitution or circumstances of such an army be considered. They were but a small handful of untrained, undisciplined countrymen, who had never seen war; they had very few officers, and these had little authority."

"Now," Wodrow goes on to observe, "the prelates made a terrible clamour, and took care to load the whole body of presbyterians, ministers, and people, as concerned in this rising, and misrepresented them as rebels, enemies to the government, and what not; and a handle was taken from this appearance in arms, which was very far from being any concert among presbyterians through the nation, to violent and bear down all of that designation, ministers and people, as common enemies. The utmost care had been taken, before and after the battle, to prevent their escape. Upon the country-people's moving from Collinton, the council sent one Patrick Murray to Teviotdale, to acquaint the heritors the rebels were moving eastward, and all the passes were appointed to be guarded. Immediately after the engagement, they sent expresses to Berwick, to stop the rebels who came to the borders; and likewise order earls Anandale, Nithsdale, and lord Drumlanerk, and others in that country, to keep the forces together they had raised, in order to apprehend the rebels on their return. Also the forces at Linton-bridge are ordered to keep together till Saturday's night. Next day, November 30th, the lord treasurer is ordered by the council to secure all the goods and rents belonging to any of the rebels indicted or to be indicted, and to intromit with them, with a reservation of their dues resting to their masters; and all hazard being now well nigh over, the council give liberty to all the forces in the Merse, Teviotdale, and the Forest (Ettrick), in

Dumbarton and Stirling shires, to dismiss. After all this care in the council, now managed by the primate, I need scarce notice, that the difficulties and hardships of the many who had got off from Pentland with their lives, were very great; not a few who had escaped the sword at Rullion-green, were most cruelly murdered by the country-people; the common people, in many places about, wanted the bowels of men, not to say Christians, towards the scattered party. Yea, so inhumane were some, as to break in upon the graves of those who had been buried, that they might get the linen some good people in Edinburgh had provided to bury them in; and multitudes were forced for many years to lurk and hide themselves, and undergo inexpressible hardships, having their life as it were every day in their hand." . . . "The prisoners, about fifty in number, who were taken at the battle, were brought in by the soldiers to Edinburgh, and the country-people brought in about thirty more; they were all crowded together by the magistrates of Edinburgh, in a place near the tollbooth, called Haddock's Hole, which of late is turned to a better use. The late French king, I am told, turned the noble and capacious church at Charenton, near Paris, to a draught-house; and this place, out of which those innocents were taken as sheep for the slaughter, is since converted to a church. Some of the better sort were put into the tollbooth, and as the council promised in their letter to the king, 'very quick despatch was made of them.' Bishop Sharp, the president, pushed violently the prosecution and execution of the prisoners; and indeed his bloodthirsty temper at this time made him very odious. I am well informed that, after some of them were condemned and a few executed, a letter came down from the king discharging taking any more lives. This letter came to the primate as president, and ought to have by him been communicated to the council; but the bloodthirsty man kept it up, till as many as he had a mind should die were despatched. This foul act of his he was very justly charged with by the persons who some years after this took away his life; and when he cried pitifully for mercy, he was told that, as he never showed mercy to others, so he was to expect none from them. This base breach of trust was of a piece with another step he took about this time. When the country-people were rising in the south and west, he wrote up a letter to Lauderdale or

Roths, to be communicated to the king, wherein he signified that all went well in Scotland, and that every man was in his duty, except the few fanatics who were in arms, whom he feared not. At the same time he wrote a letter to another nobleman at court, wherein he asserted all was wrong, scarce any were faithful to the king, and they were all sold. Both the letters, of the same date, were read to the king, who now saw his dishonesty and double face, which he would never believe before, although he had several hints of it given him. After this, I am told, the king never gave him that credit he had with him before, and trusted him very little."

The proceedings which followed the suppression of this unfortunate rising were of a character unnecessarily sanguinary. The prisoners had surrendered on a promise of quarter, but the primate determined to gratify his revenge against the presbyterians in the most rigorous manner, and he overruled all remonstrance or opposition on the part of the other officers of the crown. "When this matter came to be reasoned at the council-table," says the writer we have been quoting, "sir John Gilmour, the best lawyer among them, declined peremptorily to give his judgment, knowing, as was then said, that if he gave his opinion for taking of their lives, he would go against both law and conscience, and if he voted for sparing them, he would offend both the president (archbishop Sharp) and the prelates. It fell very unhappily to one of the best of the councillors, to give it as his opinion, when others were silent, that though the prisoners had their lives given them in the field as soldiers, yet this did not prejudice their trial in law as subjects. This was greedily backed by the president, and insisted on as an oracle, and gone into by the council, such who were against it inclining to be silent; and the council remitted them to the criminal court. They say that general Dalziel, when he had the accounts of this, cursed and swore terribly, and said, were he to serve the king never so long, he should never bring in a prisoner to be butchered." On the 4th of December, the court accordingly ordered the king's advocate to proceed against eleven of the prisoners, who were selected as the first batch of victims; and the same day the justice-clerk, sir John Hume, "one of the greatest zealots for the prelates in Scotland," and Mr. William Murray, justice-deputy, sat as judges upon them in the tollbooth of Edin-

burgh. The prisoners were allowed advocates to plead for them, but it was a mere formality, soon ended, and the prisoners were found guilty and ordered to be hanged at the high-cross on the 7th of December. On that day the sentence was duly executed, and, by order of the council, their heads and right-arms were cut off, the latter because they had been raised up in renewing the covenant at Lanark; their heads were sent to be stuck up as traitors at Kirkcubright, Hamilton, Kilmarnock, and at Edinburgh, and their arms at Lanark, the town where they had taken the covenant. They all suffered with great firmness, and their dying declaration, in which they protested against the cruel tyranny exercised upon their country, made a profound impression.

So far no information, or confession of the prisoners, could be obtained which showed the rebellion to be other than a sudden rising, totally unconcerned and unprepared; but the prelates, who wanted to bring the whole presbyterian party into bad odour by representing this as only a part of a dangerous and extensive conspiracy, determined to force some of their prisoners to a confession which would better suit their purpose. For this purpose, the horrible torture of the boots was introduced, and two of another batch of prisoners now brought out for trial were selected for the experiment. These were Nielson of Corsack and Hugh M'Kail. The former of these had been so great a sufferer for his nonconformity, that we cannot be surprised at his joining in any desperate attempt to overthrow the government which had authorised these oppressions. "Mr. Dalglish," Wodrow tells us, "the curate of Parton had no small hand in this gentleman's hardships. When sir James Turner came first into Galloway, Corsack was soon delated by the curate for nonconformity, and sir James exacted a hundred pounds Scots from him, and, contrary to promise, he was sent prisoner to Kirkcubright. He suffered very much by quarterings of soldiers upon him: from the beginning of March to the end of May that year, he had troopers lying on him, sometimes ten, sometimes six, sometimes four at once, and was forced to pay each man half-a-crown a-day, which came to eight hundred and nineteen pounds Scots, and free quarters besides to man and horse; which, moderately computing at fifteenpence a-day, amounts to four hundred and eight pounds ten shillings. Next year, sir James Turner sent six foot-soldiers to quarter upon

him from March to the middle of June. These had each of them twelvepence a-day, besides free quarters, which amounts to seven hundred and fifty-six pounds. By those hardships, Corsack was obliged to leave his house, and wander up and down; and upon his hiding, he lost his horse worth a hundred pounds, and was seized himself and imprisoned for some time. The loss of his household stuff, victuals, and most part of his sheep, cannot be well reckoned. When they had turned his lady and children out of doors, they fell next upon his tenants, and obliged them to bring them in sheep, lambs, meal, and malt, till they were well nigh ruined. And last of all, they drove all his oxen and black cattle to Glasgow, and sold them. And all this for nothing else but precise nonconformity. After all this oppression, of which I have before me an attested account, the reader can scarce wonder that he, and many others in the like circumstances, took hold on the first opportunity that offered, to complain of and relieve themselves of those calamities. When essaying this, he is taken at Pentland, and, when a prisoner in Edinburgh tollbooth, sir James Turner used his interest to get his life spared, because Corsack, out of his truly christian temper, saved sir James, when some were seeking to take his life, both at Dumfries and afterwards, though few had felt more of his severity than this gentleman. Mr. Dalgliesh the curate, getting notice of it, applied himself to some of the bishops, and acquainted them that Corsack was a ring-leader to the fanatics in Galloway, and if he were spared, he needed not think of continuing in his parish, and they might spare them all. This went further than sir James's interest could go, and so he was executed."

Nielson of Corsack was put to the boots, in the presence of the earl of Rothes, who had returned from London to pursue the examinations, but all they could draw from him was the declaration that the rising was the mere unpremeditated result of the oppressive measures of the government. This was not what the bishops wanted, and though it was repeated amid the most agonizing shrieks, the commissioner, in the hope of forcing him to say what they did want, frequently called for "the other touch."

Nor did the persecution of Nielson cease with his death. "His lady being in Edinburgh after her husband's death, Maxwell of Milton came to the house of Corsack, with thirty men, and took away everything that

was portable, and destroyed the rest, and turned the family and a nurse with a sucking-child to the open fields. Sometime after, sir William Bannantyne came and inventoried anything that was in the house, seized that year's crop, and arrested the rents in the tenants' hands. One of the tenants, Arthur M'Gachie, in Glenhead, with his wife and a young child, were carried off prisoners, and kept some weeks, merely because he had conversed with his master Corsack, before Pentland, a day or two after he had been at Dumfries. The same sir William, a little after, came and took lodging with thirty horse in Corsack, till the lady gave him a bond, with two neighbour-gentlemen cautioners, for three hundred marks."

Hugh M'Kail was a young man of about twenty-six years of age, who had gained a great reputation by the impressive manner of his preaching; he had been but a few days with the insurgents, and, on account of his bodily weakness, had left them before the battle. Great intercession had been made for him, but in vain, by the marchioness of Douglas and the duchess of Hamilton, and he was condemned to the gallows, after having suffered the torture of the boot more severely even than Nielson; for Rothes, in his rage at not being able to extort the sort of confession he wanted, ordered his leg to be shattered with eleven strokes of the mallet. One of his friends asking him how he felt his leg, as he was mounting the scaffold, he observed with a smile that the fear of his neck made him forget his leg. The way in which he met his fate presented one of the most remarkable of these numerous examples of patience and piety under suffering which were at this time making so deep an impression on all Scotland, that after awhile the plan was adopted of beating drums around the victim who was undergoing his sentence in order to hinder his voice from being heard. It was said that archbishop Sharp indulged a particular hatred against this young man, and that it was to make sure of his execution that he withheld the king's letter forbidding any further effusion of blood, until his execution had taken place.

After the trials in Edinburgh, the earl of Rothes made a judicial progress into the west, and many executions took place at Glasgow, Ayr, Irvine, and Dumfries. At Ayr, the executioner, rather than be concerned in the death of these victims of oppression, disappeared, and it was with great

difficulty any one could be found to execute his office. At Irvine, the hangman absolutely refused to perform his duty, and was severely punished for his obstinacy. But the sufferings inflicted by the courts were nothing compared to that caused by the military exactions which followed the suppression of the rising, and which extended more or less through the following year. The best notion of these, again, will be given by following the plain unadorned narrative of Wodrow:—"A little after the victory at Pentland," he tells us, "general Dalziel, with a considerable number of his troops, marched westward to improve his success in harassing all suspected of favouring presbyterians. We have seen the powers given him by the council, December 1st. Here opens a scene of cruelty unheard of before in Scotland. Sir James Turner lately had forced Galloway to rise in arms, by his cruelty the last and former years; but he was an easy master, compared with the general, his ruffians, and sir William Bannantyne, this year (1667.) The reader cannot form any notion of their carriage, without some few instances out of many which might be given. It was the smallest part of those hardships, that the soldiers took free quarters through the west and south, as if they had been in an enemy's country; though this went very nigh to destroy the sustenance of that country. In short, the soldiers do what they will, without control. The general takes up his head-quarters for some time in the town of Kilmarnock. I have a well-attested account of many sums extorted from the inhabitants of that country-town, too large to insert here; but only remark from it, that their loss, by quartering of soldiers and other impositions, in a few months after Pentland, at a very modest calculation, was upwards of fifty thousand marks, a terrible sum for a place of their poverty at that time. Hither Dalziel calls in the country-people about, the heritors, and whomsoever he pleases. Suspicion, without any probation, is what he goes upon. If he or his informers were pleased to entertain any jealousy a man had been in arms, or harboured any who had been in arms, this is reason enough to sist him before him; and, as it was lately at the commission court, few came but were either guilty, or made so, if they had any money. He not only examined privately, and endeavoured to expiscate (*fish out*) crimes and then pro-

nounced sentence as he pleased, but threatened and cruelly tortured whom he would. Not a few, yet alive, remember how he thrust so many into that ugly dungeon in Kilmarnock, called the thieves' hole, upon mere suspicions of their being accessory to the late rising, where they could not move themselves night or day, but were obliged constantly to stand upright. When in this pinfold, one of them, and it was God's good providence there were not many more, fell dangerously sick; the general would not allow him to come forth, till two compassionate persons were bail for him, to return him living or dead. The poor man died in a little, and the two sureties were forced to bring the body to the prison-door, where it lay a considerable time, till the general, in his great humanity, permitted the body to be buried. But somewhat worse follows. David Finlay in Newmill's parish, not far from that town, is by order brought before him. When examined, he acknowledged he was accidentally at Lanark, when colonel Wallace and his army came thither, but had not joined them. Being interrogate further whom he saw there, he gave little satisfaction; and because he would not, and indeed, being only transiently there upon his business, could not, give an account of the rich whigs there, presently the general sentences him to die. He was no soldier under Dalziel's command, no judge had passed sentence against him, no witnesses were adduced, no council of war held, and yet the poor man is summarily ordered to be shot to death immediately. When he was carried off from the general, neither the lieutenant who was to execute the sentence, nor the man himself, took Dalziel to be in earnest; but they found otherwise. The soldiers had positive orders to execute the sentence; when they signified so much, the poor man begged, for the Lord's sake, one night's time to prepare for eternity. The lieutenant was so affected, that he returned to the general and earnestly entreated the poor man might be spared but till tomorrow. His answer was like the man who gave it, 'that he would teach him to obey without scruple.' So the man was shot dead, stripped naked, and left upon the spot. The serjeant who had brought him from his own house to the general, being wearied, had gone to his bed and slept a little; when he awoke, and was acquainted with his sudden despatch, he sickened, took his bed immediately, and died in a day or two.

"Another instance of their tender mercies, was towards a poor countrywoman in the neighbourhood of Kilmarnock. A garrison was kept in the house of the dean, nigh by the town; the soldiers who lodged there used frequently to traverse the country, to see if they could find out any of the whigs wandering or hiding. One day a party of them saw a man at some distance, who, upon their approach, fled into a country-house near by, and both doors being open, only passed through it, and got down into a ditch full of water on the other side of the house, and stood up to the neck; there he remained undiscovered, till he escaped. The party, when they observed him flee, pursued hard and came into the poor woman's house, and searched it narrowly, but miss their prey. All the poor woman could say, was, that indeed a man had run through her house, and she knew nothing about him. However, because she owned the man had been in her house, and could not produce him, she is brought prisoner to Kilmarnock, where she was sentenced to be let down into a deep pit, under the house of the dean, full of toads and other vile creatures. Her shrieks thence were heard at a great distance; but nobody durst intercede for her, otherwise they would have been sent to bear her company. Whether she died there, or what became of her, I know not. Instances of such severities might be multiplied. I add but one further. Sir Mungo Murray had the command of some soldiers, and was rummaging up and down for intelligence and to seize wanderers. He gets notice of two countrymen who had given a night's lodging to two of the Pentland men, when coming home. The men are brought in before him, and, without any further probation than hearsay, sir Mungo orders the two countrymen to be bound together with cords, and hanged up by their thumbs to a tree, there to hang all night. It is odd to think how cruel men fall upon such methods to torment their fellow-creatures, as this and others we shall meet with. The poor men would in all probability have died before next day, through pain and torture, had not some of the soldiers been so merciful as to cut them down to save their lives, though this was at the hazard of being dealt with themselves in the same way. These are some parts of the unprecedented methods taken by the army in the west, and much more was done of this sort. The vexation, loss, and hard-

ships the country-people were put to, cannot be expressed. Meanwhile the poor whigs either got off to wander in a strange land, or lurked in some retired corner under borrowed names, or hid themselves in caves and coal-pits; and this was the sorest winter of persecution Scotland had known for a long time.

"Sir William Bannantyne, much about the same time, was sent into Galloway with a considerable party of soldiers under his command. Some of his cruelties had been noticed, and others of them will come to be narrated afterwards; I shall only set down here attested accounts of his carriage in two or three parishes upon the back of Pentland. The reader will find more of this nature in *Naphtali*. He was more than once harassing this poor country. At his first incoming after Pentland, he brought four hundred foot and a troop of horse to Roger Gordon's of Holm, in the parish of Dalry, against whom nothing could be charged; but wherever they pleased, they took free quarters. At the Holm, he and his horsemen ate up sixteen bolls of corn, killed and ate vast numbers of sheep, and consumed abundance of meal and other things, besides what they took away from him and his neighbours. From thence they went to the house of Earlston. Some of the sufferings of the family of Earlston have been pointed at, and now this house is made a garrison. From this, parties were sent out through that parish, and thereabout, and exercised inexpressible cruelties upon any they were pleased to allege had been at Pentland, or conversed with such. One David M'Gill, in that parish, whom they came to apprehend, escaped happily from them in womans' clothes; but dreadful was they waytaken with his poor wife, whom they alleged accessory to her husband's escape. They seized her, and bound her, and put lighted matches between her fingers for several hours; the torture and pain made her almost distracted; she lost one of her hands, and in a few days she died. They pillaged the country round about, as they pleased. Some they brought to their garrison, though under heavy sickness, stripped them almost naked by the way, bound them, and cast them into nasty places, without the least accommodation; and it was a great favour to let them out when at the point of death. Many were the fines the soldiers uplifted; from one countryman in Dalry parish a thousand marks were exacted; another poor man was fined in three hun-

dred and twenty marks, a part of it was paid, and his bond taken for the rest. Another countryman in the same parish had a hundred and fifty pounds imposed upon him, and another four hundred marks. These fines were perfectly arbitrary, founded upon alleged suspicions that the poor people had been concerned in the rising, and so were laid on just as the soldiers pleased, and as the man was able to pay. In the parish of Carsphaven, Gilbert Monry in Marbrack, without any alleged fault, had fifty marks imposed upon him. When he asked sir William Bannantyne for what he was fined, the other answered, 'because you have gear, and I must have a part of it.' Great numbers of sheep and nolt were taken in that parish, and gentlemen as well as others were ruined. Alexander Gordon of Knockbreck, for his sons being at Pentland, suffered a great deal, and his family after him. John Gordon in Canevel had his whole estate, being sixteen thousand marks, taken from him; another lost his lands worth about six hundred marks a-year. Seven hundred marks were taken by the soldiers from three countrymen near Loch Doon. In the parish of Balmagie, sir William came into a public-house, and after calling for some ale, he offered wickedness and attempted it on the mistress of the house. Her husband being present resisted him; whereupon sir William struck him down dead on the spot; and some life remaining, when about to kill him outright, a gentleman in the parish being present, endeavoured to prevent him, and fell in grips with sir William, and being too strong for him, Bannantyne called in the soldiers who were at the door; they took the gentleman, bound him with his head betwixt his knees, and his hands behind his back, with a tether, and kept him lying on the ground in that pickle all that Saturday's night and part of the sabbath, till his friends came and gave bond for him. This gentleman was no whig, but had been with the king's forces at Pentland. Bannantyne and his party drank in the house most of the Lord's-day; and when they could drink no more, let what remained run upon the ground, and rifled the house of all in it. In short, it was known that Bannantyne, in this country, never refused to let his men rob and plunder wherever they pleased. His oppressions, murders, robberies, rapes, adulteries, &c., were so many and atrocious, that the managers themselves were ashamed of them; and we shall soon afterwards hear

that he was called to some account for them, and forced to flee the nation; and when at London, made an attempt upon Lauderdale, which obliged him to go abroad, where he died in misery. Those hardships from the army continued upon the west and south country, till, towards the beginning of June, a squadron of Dutch ships came up the Firth of Forth, to make reprisals for the hurt done to their trade by our privateers. They shot some guns at Leith, and fired some hours upon Burntisland, without doing any great damage. The army was then ordered to the east country to guard the coasts."

The prelates exulted in what they considered the success of their endeavours, and, instead of showing any inclination to relent, they aimed at the entire destruction of their opponents by increasing the severity of their measures. Many of the richer of the presbyterian party, or, as they were now called, the whigs, had fled the country in order to escape the storm, and, by the Scottish law, a man could not be tried in his absence, and therefore his estates could not be confiscated. This bar in the way of the greedy appetite of the ministers of oppression was to be broken down; and the king's advocate put to the lords of the session, who had previously been tampered with, the following question:—"Whether or not a person guilty of high treason may be pursued before the justices, albeit they be absent and contumacious; so that the justices, upon citation, and sufficient probation and evidence, may pronounce sentence and doom of forfeiture, if the dittay be proven." This question was supported with the following reasons:—"1. By common law, albeit a person absent cannot be condemned for a crime, yet in treason, which is *crimen exemptum*, this is a speciality, that absents may be proceeded against and sentenced. 2. By act 1, James V., parl. 6, it is declared that the king has good cause and action to pursue all summonses of treason, committed against his person and commonwealth, conform to the common law and good equity and reason, notwithstanding there be no special law, act, or provision made thereupon; and therefore, seeing, by the common law, persons guilty of lese-majesty may be proceeded against and sentenced, though they be absent, it appears that there is the same reason that the justices should proceed against and sentence persons guilty of treason, though absent, and that they are sufficiently warranted by

the said act to do so. 3. It is inconsistent with law, reason, and equity, that a person guilty of treason should be in a better case, and his majesty in a worse, by the contumacy of a traitor, the same being an addition, if any can be, to so high a crime; and that he should have impunity, and his majesty prejudged of the casualty and benefit arising to him by his forfeiture. 4. The parliament is in use to proceed and pronounce forfeiture, though the party be absent; and in so doing, they do not proceed by a legislative way, but as the supreme judges; and the parliament being the fountain of justice, what is just before them, is just and warrantable before other judicatories in like cases. 5. By the above-mentioned act of parliament it is statuted, that summons and processes of treason may be intended and pursued, after the decease of the delinquent, against his memory and estate, for deleting the one, and forfeiting the other, whereupon sentence may follow to the effect aforesaid. And therefore, seeing sentence may follow where the delinquent cannot be present, and is not in being, it were against all reason that where they are wilfully and contumaciously absent, they should not be proceeded against and sentenced, if they be guilty; and it were most unjust that his majesty should be forced to call a parliament for punishing and forfeiting of persons being absent, or that he should wait until they die, especially seeing in the interim the probation may perish by the death of the witnesses." The lords of the session, tampered with, as we have already said, beforehand, returned the following answer:—"The lords of council and session having considered the query presented to them by the lord Bellenden, his majesty's treasurer deputy, it is their opinion that, upon the justices' citation, and sufficient probation taken before the judges and assize, they may proceed and pronounce sentence thereintil, and forfeiture against the persons guilty of high treason, though they be absent and contumacious." Having obtained this decision, the council prepared for new trials, and for more extensive confiscations than ever; and the proceedings of the court were declared valid by a parliament called soon afterwards, in an act which enlarged their powers and confirmed the decision of the lords of session.

But the intensity of the persecution now gave way for a while to political intrigues of another character. A profound jealousy

had been rising between the party now in office in Scotland and allied with the bishops and Lauderdale, who was desirous of putting a stop to the prosecutions. Since the battle of Pentland, the prelates had obtained the admission into the council of the military commanders, who naturally made common cause with them, and willingly united with them in a plot to overthrow Lauderdale, and by usurping all the offices of state, to hinder any others from sharing in the spoils of their country. Rothes, a dissipated and indolent man, had become the mere tool of the prelatical faction. The eagerness, however, with which these pursued their design proved their ruin. They proposed to continue the standing army, and to use it in enforcing new confiscations to enrich themselves, and they obtained from the convention of estates, which met on the 23rd of January, 1667, a subsidy of sixty-four thousand pounds a-month for its maintenance. The archbishop of Glasgow and general Drummond were dispatched to London with letters to the king, asking for his confirmation of these proceedings, and never dreaming that they would receive anything but an approving answer. But Lauderdale had easily divined their intentions, and had prejudiced the king against them, so that their message was received coldly. Burnet tells an anecdote relating to this affair of a rather characteristic description. The king, it seems, when he received the council's letter, flung the envelope into the fire, which, flying up the chimney in a flame, set fire to the latter. Some one of the courtiers remarked that the Scottish letter had fired Whitehall; upon which another rejoined, that the cover alone had nearly set the palace on fire, but that the contents would certainly set all Scotland in a blaze. This joke is said to have taken deep hold upon the king's fancy, and, by Lauderdale's advice, he wrote a letter to the council, approving of the pressing of the declaration and of the imprisonment of the recusants, but giving no authority to confiscate their estates. The surprise of the council at this mission was increased by what followed. The disasters of the Dutch war had ruined the influence of Clarendon, and in him archbishop Sharp and Rothes lost their main support. An order came from the king for removing Sharp from the privy council and confining him to his diocese. The earl of Rothes was accused, and not apparently without reason, of having by remissness in his

duty left the Scottish coast exposed in a defenceless state to the attacks of the Dutch, and he was deprived of all his offices except the chancellorship. That of lord justice-clerk was given to sir Robert Murray, who, in conjunction with the lords Tweeddale and Kincardine, had also the management of the treasury. Although the principles of the government were as high and despotic as ever, the persons and their acts were much more moderate; and the consternation of the bishops was at its height when, at the conclusion of the Dutch war, the army of the west, the instrument of so much cruelty and injustice, was ordered to be disbanded. This last circumstance was the more mortifying, as many of the prelatical faction, reckoning absolutely on the permanence of this army, had been buying commissions in it which they considered as good as estates. This reduction of the military establishment, however, raised the question as to the manner in which, in the absence of this force, the presbyterians were to be coerced into obedience, and this question was debated with some warmth in the council, and with considerable difference of opinion. One party urged perseverance in the old system of fines and plunder, hoping on one hand to enrich themselves out of the proceeds, while on the other hand they foresaw that it would keep up the popular irritation, and doubly embarrass their opponents when they had no standing army; the latter proposed a mere bond or civil engagement to keep the peace, which was to be subscribed by all whom it might be considered necessary to call upon to do so. The opposition to this latter plan was so strong, that it was only after three divisions, that it was agreed to adopt it. This resolution was taken on the 13th of September, and after communication with the king, a proclamation of pardon and indemnity was issued on the 1st of October, of such an equivocal character, that it was observed commonly that in the beginning it pardoned all who had been engaged in the insurrection, in the middle very few, and in the end none at all. At the same time the council agreed upon the bond of peace, which, for such of the rebels as could find cautions, ran as follows:—"I, A. B., do engage, bind, and oblige myself to keep the public peace, under the pain of a year's rent of all and whatsoever lands and heritages pertain to me, to be paid in case I contravene; and also I bind and oblige me, that those who are or at any time hereafter shall be my men,

tenants, and servants, during the time they shall be men, tenants, and servants to me, shall keep the public peace, under the pains respectively after-mentioned, to be paid, *toties quoties*, if they or any of them shall do in the contrary; that is to say, of the payment of the full value of a year's duty, payable to me for the time by the tenant or tenants that shall happen to contravene; and for my servants, in case any of them shall contravene, the full value of a year's fee. Which sums foresaid, I bind and oblige me, my heirs, executors, and successors, in the case foresaid, to pay the commissioners of the treasury, treasurer, or treasurer-deputy, who shall happen to be for the time, for his majesty's use; and consent these presents be registrate in the books of privy council."

This bond was rather vaguely expressed, and there was much debate among the conscientious presbyterians as to the propriety of taking it, the question turning on the interpretation to be put upon the words "public peace." Some thought that these words involved nothing contrary to their principles, while others feared that they might be interpreted as acknowledging the present ecclesiastical government. "Many papers *pro* and *con*," says Wodrow, "were handed about at this time. The hinge of the debate lies in the import of keeping the public peace, and the non-resisting clause in the printed bond, annexed to the council's act, which indeed defeats the pretended design to these persons, and probably was cast in by the prelates and their friends, as knowing it would render the pardon very much precarious. The question then was plainly stated thus, whether he who engageth to keep the public peace, engageth to do nothing which may disturb or alter the present laws to which the public peace plainly refers; or, whether the subscriber only binds himself to the duties of righteousness commanded by the moral law. It was said upon the one hand, that no more was in keeping the public peace, but what we are antecedently bound unto by the second table of the law; and, on the other it was urged, that when two persons enter into a solemn treaty with each other, they are bound, not only to all moral duties, antecedently lying upon them, but even to every particular in the treaty, and are to keep it, even though it be to their own hurt, according to all articles and clauses in it. The other branch of the debate anent rising in arms and resisting tyrants, or subjects endeavouring to

have unjust and unrighteous laws repealed by arms, when precluded of all other methods of redress, both which had been done in Scotland more than once, landed in long and nice reasonings. People did divide in their judgments and practices, as frequently happens in dubious and debatable cases. Some took it, and others refused it, under different views of the extent, import, and meaning of the words. Yet, for anything I can learn, there followed no alienation of affection among presbyterians, but the greatest harmony was kept up." As, however, the bond was not enforced very harshly, the dispute relating to its meaning gradually died away.

The country was now tranquil, and the heat of persecution had so far subsided that the government showed an inclination to discountenance, and even to punish, some of the authors of it. A very remarkable book was published at this moment, entitled *Naphtali, or the Wrestlings of the Church of Scotland*, known since to have been the joint production of Mr. (afterwards sir) James Stuart of Goodtrees and Mr. James Stirling, minister at Paisley; as, however, it gave a very strong picture of the late proceedings against the presbyterians, the council ordered it to be burnt. Complaints, however, came in in such numbers, that it was thought necessary to pay some further attention to them, and, though Dalziel and Drummond were overlooked, it was determined, in the February of 1668, to institute judicial proceedings against sir James Turner and sir William Bannantyne. Extortion and cruelty were abundantly proved against them both; and Bannantyne was fined two hundred pounds sterling and banished the kingdom, while sir James Turner, who pleaded his commission, was dismissed the service.

All this, however, was a mere change of policy, and not any change of feelings towards the presbyterians. The disgrace and exile of Clarendon had displeased the high church party, and the king, aware that they were hostile to his present government, sought a counterpoise to them by showing some indulgence to the nonconformists, and some of the officers of the crown in Scotland encouraged the presbyterian ministers to hope for better times; although conventicles were still strictly proscribed, and multitudes of those who, already in prison for their connexion or supposed connexion with the Pentland rising, refused to take the

bond of peace as a condition of obtaining their liberty, were shipped off to the colonies. Moreover, whatever might have been the lenient designs harboured by the government, an unhappy occurrence at this time tended to create new exasperation. There was a young minister named James Mitchell, who had distinguished himself by his enthusiastic zeal, and who, having been active at Pentland, was expressly excepted from the indemnity. He appears to have been rendered desperate by this persecution, and to have imagined that he had a call to execute vengeance on the persecuting primate, archbishop Sharp. On the 11th of July, 1668, as the archbishop, attended by the bishop of Orkney (another violent persecutor), was taking coach after dinner from his lodging at the Blackfriar wynd in Edinburgh, no sooner had the archbishop entered the coach and taken his seat, than Mitchell, who had taken his station to watch the primate's movements, discharged a pistol loaded with five balls in at the door of the coach. At this moment the bishop of Orkney, having set his foot in the boot of the coach, was raising up his hand to assist himself in stepping in, and received in his wrist and arm the shots which were intended for the primate, who escaped unhurt. Mitchell walked across the street with the greatest composure; at the end of Niddry's wynd a man offered to stop him, but desisted on his showing him a pistol; and he walked down the wynd, and to his own lodging in Steven Law's close, where he changed his clothes, and immediately returned to the street where he had committed the deed. There, no attempt was made to discover the offender, the crowd looking on very unconcernedly, and with so little sympathy for the episcopal order, that it is said that when the cry first arose that a man was killed, somebody shouted "it was but a bishop," upon which nobody showed any inclination to interfere. A proclamation was immediately issued, offering a reward of five thousand marks for the discovery of the assassin, but it produced no effect, and it was not till years after that it was known who had committed this attempt on the archbishop's life. It was, however, made the pretext for vexatious proceedings against a number of presbyterian families in the capital, who were totally innocent of it. The bishop of Orkney never recovered of the injuries he received on this occasion; and archbishop Sharp was so terrified, that

he is said to have lived ever afterwards in fear of assassination.

The Scottish government at this time seem to have been convinced that the attempt to coerce the presbyterians by the violent measures which had been hitherto adopted, was a failure, and they resolved to try what could be done by some kind of compromise. The agent in this attempt was the earl of Tweeddale, a man of moderate principles, the intimate friend of Lauderdale, and enjoying to a considerable degree the favour of the king. Tweeddale had frequent conferences on this subject with some of the presbyterian ministers, who, at his suggestion, wrote a letter to the king, full of expressions of their affection to his person and of their firm loyalty, and utterly disclaiming the treasonable positions which were laid to the charge of the presbyterians. Tweeddale appears to have carried this letter with him to London, whither he repaired in the summer of the year 1669, and he so carried the affair, that on his return, at a council held on the 15th of July, he presented the following letter from the king:—"Whereas, by the act of council and proclamation at Glasgow in the year 1662, a considerable number of ministers were at once turned out, and so debarred from preaching of the gospel and exercise of the ministry, we are graciously pleased to authorise you and our privy council, to appoint so many of the outed ministers, as have lived peaceably and orderly in the places where they have resided, to return and preach, and exercise other functions of their ministry, in the parish churches where they formerly resided and served (provided they be vacant), and to allow patrons to present to other vacant churches such others of them as you shall approve of; and that such ministers as shall take collation from the bishop of the diocese, and keep presbyteries and synods, may be warranted to lift their stipends as other ministers of the kingdom; but for such as are not or shall not be collated by the bishop, that they have no warrant to meddle with the local stipend, but only to possess the manse and glebe; and that you appoint a collector for those and all other vacant stipends, who shall issue the same, and shall pay a yearly maintenance to the said not collated ministers, as you shall see fit to appoint. That all who are restored and allowed to exercise the ministry, be, in our name and by our authority, enjoined to constitute and keep kirk-sessions, and to

keep presbyteries and synods, as was done by all ministers before the year 1638, and that such of them as shall not obey our command in keeping presbyteries, be confined within the bounds of the parishes where they preach, ay, and while they give assurance to keep presbyteries for the future. That all who are allowed to preach, be strictly enjoined not to admit any of their neighbour or any other parishes unto their communions, nor baptize their children, nor marry any of them, without the allowance of the minister of the parish to which they belong, unless it be vacant for the time. And if it be found, upon complaint made by any presbytery unto you our privy council, that the people of the neighbouring or other parishes resort to their preachings, and desert their own parish churches, that, according to the degree of the offence or disorder, you silence the minister who countenances the same, for shorter or longer time; and upon a second complaint verified, that you silence again for a longer time or altogether turn out, as you see cause; and upon complaint made and verified, of any seditious discourse or expressions in the pulpit, or elsewhere, uttered by any of these ministers, you are immediately to turn them out, and further punish them according to law and the degree of the offence. That such of the outed ministers who have behaved peaceably and orderly, and are not re-entered or presented as aforesaid, have allowed to them four hundred marks Scots yearly, out of the vacant churches, for their maintenance till they be provided of churches; and that even such as shall give assurance to live so for the future, be allowed the same yearly maintenance. And seeing by these orders we have taken away all pretences for conventicles, and provided for the wants of such as are and will be peaceable, if any shall hereafter be found to preach without authority, or keep conventicles, our express pleasure is, that you proceed with all severity against the preachers and hearers as seditious persons and contemners of our authority; so leaving the management of these orders to your prudence, and recommending them to your care, we bid you farewell." The bishops were extremely opposed to this measure, and did all they could to oppose it, and it is reported that, when the king's letter was read in council, the chancellor (Roths) said he would take care it should be no great benefit to the fanatics in Fife. Out of the council, the prelates and some of

the high church ministry held a meeting to consider of means of hindering the indulgence, which they feared would be ruinous to their interest; but as it was impossible for them to act directly against the king's letter, the archbishop is said to have consoled his brethren by promising them to do his utmost to make this measure a bone of contention among the presbyterians, and that he set himself with all his vigour to have it so clogged from time to time, as to divide the ministers and people of the presbyterian persuasion among themselves. Such in fact was its ultimate effect. It was accepted at first with hesitation; and many of the ministers, while expressing their gratitude for the boon, proposed to take it with explanations. All those, however, whose names were included in the list made out by the council, accepted the indulgence, and about forty-three ministers were thus inducted. The people, also, were in general willing to obey; and the plan seemed to promise success. But dissension soon showed itself among the presbyterians, many of whom blamed their brethren for even this measure of conformity. Those who complied, justified themselves by representing the necessity of the case and the good they were doing by opening the door to further indulgence; but the others blamed them for following a course which implied their acknowledging the king's supremacy and allowing the claim of the council to an erastian power; and they urged that it was only a trick of the government, to lull suspicion by this lenity shown to a few, while they were preparing greater persecution for the ministers who were not included in the lists and for the people in those parishes which were held by curates. The prelates, also, acted upon the archbishop's suggestion, and did all they could to make the measure unpalatable; and after a few months, the policy of the government towards the presbyterians became more harsh, and the ministry and worship of those who had accepted the indulgence began to be interfered with in such a manner as to justify the opposition of their brethren.

On the 15th of July, 1669, a proclamation appeared calling a new parliament, and care was taken to manage the elections so that none disagreeable to the court should be elected. Intimidation was unsparingly employed to secure this object. On this occasion, the earl of Lauderdale obtained the appointment as commissioner, and he was received in

Scotland, and especially in the capital, in the most pompous manner. The object for which this parliament was called was by this time generally known, and as precepts had been issued upon the exchequer for considerable sums of money in favour of different noblemen, it was generally believed that they had been bought over to betray their country. An attempt also was, or appeared to be, made to conciliate the bishops by employing somewhat more rigour against the presbyterians. On the 19th of October, the session of parliament was opened, and its commencement was marked by new encroachments on the old forms of constitutional freedom. Where, formerly, any member of the parliament had free access to the meeting of the lords of the articles, these were now made secret; and the whole of the spiritual lords were now placed by themselves on the right hand of the throne, instead of mixing with the temporal peers. The king's letter, which was produced by Lauderdale, insisted at length on his fixed resolution to maintain episcopacy, which he commended highly; and he declared it to be his will that conventicles should not be tolerated, which were the more unpardonable since his grant of indulgence. He next pressed upon the parliament the consideration of a union between the two countries. What particular object the king and Lauderdale had in view by bringing forward such a measure at this moment is by no means clear; but it was not popular in either country, and when it was proposed to take the measure into immediate consideration, and it was suggested that the nomination of commissioners should be left to the king, sir George Mackenzie urged that sufficient time should be given for mature deliberation. He was seconded by sir George Gordon of Haddo, who, when putting the supposable case of a divided succession, was silenced by the commissioner in the most imperious manner. Gordon then proceeded in a very moderate speech to point out the propriety of having the commissioners appointed by the parliament itself, when he was rudely interrupted by the earl of Tweeddale, who said that such long speeches were not to be borne, especially when their object was to persuade the parliament from complying with the king's desires. After this, there was no further opposition, and the king's letter was fully approved, and the Scottish commissioners for the union left to his nomination. This parliament next passed an act, establishing the king's supremacy in

ecclesiastical matters, which so completely subjected the church to the king's pleasure, giving him power even to change the religion of the state if he liked, that it was afterwards supposed that Lauderdale had discovered the secret of the duke of York's religion, and that he intended, by laying the church of Scotland at his mercy, to pave the way for that line of conduct which on his accession he adopted, and thus to secure himself in his favour. This act, which was passed on the 16th of November, was expressed in the following words:—"The estates of parliament having seriously considered how necessary it is, for the good and peace of the church and state, that his majesty's power and authority, in relation to matters and persons ecclesiastical, be more clearly asserted by an act of parliament, have therefore thought fit it be enacted, asserted, and declared; like as his majesty, with advice and consent of his estates of parliament, doth hereby enact, assert, and declare; that his majesty hath the supreme authority and supremacy over all persons and in all clauses ecclesiastical within this his kingdom; and that, by virtue thereof, the ordering and disposal of the external government and policy of the church, doth properly belong to his majesty and his successors, as an inherent right to the crown; and that his majesty and his successors may settle, enact, and emit such constitutions, acts, and orders, concerning the administration of the external government of this church, and the persons employed in the same, and concerning all ecclesiastical meetings, and matters to be proposed and determined therein, as they in their royal wisdom shall think fit; which acts, orders, and constitutions, being recorded in the books of council, and duly published, are to be observed and obeyed by all his majesty's subjects, any law, act, or custom to the contrary notwithstanding; like as his majesty, with advice and consent foresaid, doth rescind and annul all laws, acts, and clauses thereof, and all customs and constitutions, civil or ecclesiastical, which are contrary to or inconsistent with his majesty's supremacy, as it is hereby asserted, and declares the same void and null in all time coming."

The occasion taken to introduce this strong act is said to have been an indiscreet proceeding of the archbishop of Glasgow, who, extremely galled at the indulgence granted to the presbyterian ministers, agreed with his clergy in a synod held in September to a remonstrance against that measure. This

remonstrance, which struck very clearly at the king's supremacy, which the bishops were ready enough to allow when exerted in their favour, and as ready to exclaim against when otherwise, appears not to have been published, but a copy is said to have been obtained surreptitiously, and carried to the king, who was greatly enraged, called it a new western remonstrance, and ordered that the archbishop should be removed from the parliament, and proceeded against according to law. The end of it was, that the archbishop was commanded by the king to resign his episcopal office, he obeyed, and retired into private life. It is said that archbishop Sharp, undismayed by this example, preached to this parliament, on the first sabbath after the archbishop of Glasgow had been placed under arrest, a sermon in which he stated that there were three pretenders to supremacy, the pope, the king, and the general assembly of the presbyterians, all whose several pretences he disproved at great length. It is said that the fact of the archbishop of Glasgow having been already selected as an example, alone saved the primate from prosecution for this bold attack, but that it was seized upon as an excuse for bringing in an act which should assert the king's supremacy more strongly and definitely; and we are told further that people in general were brought to look with a more favourable eye upon this act because they were persuaded that it would serve them as a screen against episcopal vengeance.

A great part of the time of this parliament was occupied with matters relating to the church or to the presbyterians. A few other acts, however, passed, generally in a manner which showed how utterly the great legislative body had been despoiled of its freedom. The council had in the interval since the last parliament raised and organised a body of militia, to be always at the king's orders, and though this was done in accordance with an offer made to the crown in the preceding parliament, it was necessary to obtain an act in confirmation of that of the council, which was not opposed. The indecent violence with which Lauderdale acted in the parliament in his quality of commissioner was enough to disgust everybody. An act had been passed in the parliament of 1661, for the encouragement of the fisheries, whereby foreign salt used for curing was exempted from duty. This was evidently contrary to the interests of the salt masters, among whom the earl of Kincarr-

dine held a prominent place, and he now brought in a bill subjecting foreign salt to a duty, for whatever object it might be employed, and pretending to indemnify the fishers by allowing a drawback on the fish exported. It was a vexatious as well as an oppressive measure, in many respects, and was strenuously opposed by the commissioners of the burghs. At length Lauderdale rose in a rage, and declared with an oath, that he did not care whether the parliament stopped the act or not, for if its opponents succeeded in obtaining its rejection, they should be no gainers by it, for he would by virtue of the king's prerogative pepper the fishings with impositions. After a long silence, no one daring to make a remark on this coarse insult to the estates, a humble proposal was made that the parliament might be allowed to go to a vote, in order that its opinion might be known, after which they were willing to submit to any burdens his majesty might think fit to impose upon trade. Lauderdale condescended to give his consent to the vote being taken, and it was reported by the clerk that the numbers were equal, and that the casting vote remained with the chancellor. The earl of Kinghorn rose immediately and declared that this report was an untrue one, and that there was really a small majority against the act; but he was stopped by the commissioner, who told him that, though he might proceed against the clerk for falsehood if he liked, the numbers must be taken as they were declared, as by the statement of the vote already made there was *jus acquisitum* to the king. Upon this, as none dared offer further resistance, the clerk again declared the votes equal, and the chancellor gave his casting vote in favour of the act. Among other acts which were passed during this session was one for the annexation of the isles of Orkney and Zetland to the crown, and another for ratifying the grant of his father's estates and title to the earl of Argyll. Lauderdale, who was now the most unprincipled of the administrators to the king's secret pleasures, disgusted the Scots by the extreme licentiousness of his language and manners as well as by his haughtiness; and having obtained from the parliament all that he wanted, he dismissed it on the 23rd of December, without even condescending to the ordinary forms of adjournment, but ordered the regalia to be carried back to the castle, and said insultingly that he hoped the wives of

Edinburgh would take notice that he had not, as was reported, sold the crown to the English.

After Lauderdale's departure, the council was left again to pursue its measures against the presbyterians. The bishops and their party, where they found that the indulgence could not be prevented, had endeavoured to make it as uneasy as possible to the presbyterian ministers and people. The existing vacancies were filled up as quickly as possible with curates, the bishops not caring how ignorant or vicious they might be, so that they only served to keep out the indulged ministers; and in several instances they actually appointed curates, after the ministers had obtained the indulgence and were on their way back to their parishes. When these ministers chose to resist, they found that the favour shown them was merely nominal, and that almost all disputes were decided in favour of the episcopalians. Vexatious complaints were got up against the ministers who did succeed in recovering their parishes, in consequence of which, early in 1670, a committee was sent to the west to examine into these complaints and into the general conduct of the indulged ministers. The latter, however, escaped much more easily than they expected, and the committee employed itself more seriously in proceedings on conventicles, against which new proclamations had been issued. On the 13th of January, instructions were sent to the forces, renewing former orders against conventicles, with an additional clause directing the officers that, "upon notice of any numerous conventicle kept since November 1st last past, or to be kept hereafter, you shall do your utmost endeavour to seize the minister, and send him into Edinburgh with a party, and the names of such as can bear witness in the thing. You are also to seize the most considerable heritors and tenants present, and require bond and caution to appear before the council at a certain day; and if they refuse to give surety, send them in with a party, with a list of persons who can witness against them." These instructions were carried out with some severity, and led to the more general practice of meeting in the fields, where it was easier to disperse suddenly than in a house, and whither many carried arms with them to defend their ministers and themselves. Other proclamations to suppress conventicles appeared in the course of the year, and the proceedings against them were carried on with great activity.

In spite of this persecution, the practice of field conventicles took great development this year, and several very large ones were held, in a manner which showed the reviving spirit of resistance among the Scottish people, and gave great alarm to the episcopalian faction. The most remarkable of these was the one held at Beak-hill in the parish of Dunfermline in Fife, by two of the most distinguished of the nonconforming ministers, Mr. John Blackader and Mr. John Dickson, about the middle of June, and as it is said to have been the first regular armed meeting of this kind, and is a very important picture of the times, I will give the account of it in the words of one of the persons principally concerned in it, the minister Mr. Blackader, who left autobiographical memoirs:—"On Sunday afternoon," he tells us, "people had begun to assemble. Many lay on the hill-side all night, some stayed about a constable's house near the middle of the hill, several others were lodged near about, among whom was Barscob, with nine or ten Galloway men. The minister (Mr. Blackader) came privately from Edinburgh on Saturday night, with a single gentleman in his company. At Inverkeithing he slept all night in his clothes, and got up very early, expecting word where the place of meeting was to be, which the other minister was to advertise him of. However, he got no information, and so set forward in uncertainty. Near the hill he met one sent by the minister to conduct him to a house hard by, where they resolved, with the advice of the people, to go up the hill, for the more security and the better seeing about them. When they came, they found the people gathered and gathering, and lighted at the constable's house, who seemed to make them very welcome. While they were in the house, a gentleman was espied coming to the constable's door and talking friendly with him, who went away down the hill. This gave occasion of new suspicion, and to be more on their guard. However, they resolved to proceed to the work, and commit the event to the Lord. When a fit place for the meeting and setting up of the tent was provided, which the constable concurred in, Mr. Dickson lectured and preached the forenoon of the day. Mr. Blackader lay at the outside, within hearing, having care to order matters, and see how the watch was kept. In time of lecture, he perceived some fellows driving the people's horses down the brae, which he supposed

was a design to carry them away. He, rising quietly from his place, asked what they meant. They answered, it was to drive them to better grass. However, he caused them to bring them all back again within sight. After Mr. Dickson had lectured for a considerable space, he took to his discourse and preached on 1 Cor. xv. 25, 'For he must reign till he hath put all his enemies under his feet.' In time of sermon, several ill-affected country-people dropped in among them, which being observed by Mr. Blackader and those appointed to watch, he resolved to suffer all to come and hear, but intended to hinder the going away of any with as little noise as might be. Among others came two youths, the curate's sons, and about fourteen or fifteen fellows at their back who looked sturdily; but after they heard they looked more soberly. The two young men were heard to say, they would go near the tent, and walk about to the back side of it, which some who were appointed to watch seeing, followed quickly, so they halted on their way. The man that came to the constable's house in the morning was seen at the meeting, and kept a special eye upon. Essaying to go away to his horse at the constable's, two able men of the watch went after, and asked why he went away. He answered, he was but going to take a drink. They told him they would go with him, and desired him to haste and not hinder them from the rest of the preaching. So he came back; but he was intending to go and inform the lieutenant of the militia, who was at the foot of the hill and gathering his men. However, the sermon closed without disturbance, about eleven hours in the foreday, the work having begun about eight. Mr. Blackader was to preach in the afternoon. He retired to be private for a little meditation. Hearing a noise, he observed some bringing back the curate's two sons with some violence, which he seeing, rebuked them, and bade let them come back freely without hurt, and he engaged for them they would not go away. So they stayed quietly, and within a quarter of an hour he returned and entered the tent. After some preface, which was countenanced with much influence, not only on professed friends, but on those also who came with ill-intentions, that they stood astonished, with great seeming gravity and attention, particularly the two young men. It was, indeed, a composing and gaining discourse, holding forth the great design of the gospel, to invite

and make welcome all sorts of sinners without exception. After prayer, he read from 1 Cor. ix. 16, 'For though I preach the gospel I have nothing to glory of; for necessity is laid upon me, yea, woe is unto me if I preach not the gospel.' After he had begun, a gentleman on horseback, and some few with him, came to the meeting. He was the lieutenant of the militia in that part of the country, who, alighting, gave his horse to hold, and came in among the people on the minister's left hand, stood there a space, and heard peaceably. Then essaying to get to his horse, some of the watch did greatly desire he would stay till preaching was ended, telling him his abrupt departure would offend and alarm the people. But he, refusing to stay, began to threaten, drawing his staff. They, fearing he was going to bring a party to trouble them, did gripe and hold him by force as he was putting his foot into the stirrup. Upon this, Barscob and another young man, who were upon the opposite side, seeing him draw his staff, which they thought to be a sword, presently ran, each with a bent pistol, crying out, 'Rogue, are you drawing?' Though they raised a little commotion on that side, yet the bulk of the people were very composed. The minister seeing Barscob and the other so hasting to be at him, fearing they should have killed him, did immediately break off, to step aside for composing the business, and desiring the people to sit still till he returned, for he was going to prevent mischief. Some, not willing that he should venture himself, laboured to hinder him. He thrust himself from them, and passing forward, cried, 'I charge you not to meddle with or do him any hurt', which had such an influence on them, that they professed afterwards they had no more power to meddle with him. The lieutenant seeing it was like to draw to good earnest, was exceedingly afraid, and all the men he had. But hearing the minister discharging the people to hurt him, he thrust next to be at the minister, who had cried, 'What is the matter, gentlemen?' Whereupon the lieutenant said, 'I cannot get leave, sir, to stand on my own ground for these men.' The minister said, 'Let me see, sir, who will offer to wrong you; they shall as soon wrong myself, for we came here to offer violence to no man, but to preach the gospel of peace; and, sir, if you be pleased to stay in peace, you shall be as welcome as any here; but if you will not, you may go; we shall compel no man.' 'But,' said he, 'they have taken my horse

from me.' Then the minister called to restore him his horse, seeing he would not stay willingly. Thus he was dismissed without harm, at the minister's entreaty; who judged it most convenient that the gentleman, and others to whom he should report it, might have more occasion of conviction, that both ministers and people, who used such meetings, were peaceable, not set on revenge, but only endeavouring to keep up the free preaching of the gospel in purity and power, in as harmless and inoffensive a way as possible. Some of the company, indeed, would have compelled and bound him to stay, if he had not been peaceable; but they were convinced afterwards that it was better to let him go in peace. The whole time of this alarm on that quarter, all the rest of the people sat still composedly, which was observed more than ordinary, in any meeting either before or after (seeing such a stir), as in many other things the mighty power and hand of the Lord was to be seen in that day's work, and the fruit that followed thereon. When the lieutenant was gone, the rest, that dropped in through the day with the curate's two sons, stayed still, not offering to follow. After composing that stir, which lasted about half an hour, the minister returned to the tent, and followed out the rest of his work, preaching about three quarters of an hour with singular countenance, especially after composing the tumult. All the time there were several horse, riding hither and thither on the foot of the hill in view of the people; but none offered to come near, for a terror had seized on them, as was heard afterward, and confessed by some of themselves. The minister apprehending the people might be alarmed with fear, that they could not hear with composure, though none did appear, did for their cause close sooner than he intended, though the people professed and said they would rather he had continued longer, for they found none either wearied or afraid."

This meeting made a great noise, and the bishops, who declared that the insolence of the presbyterians had been encouraged by the indulgence of the earls of Lauderdale and Tweedale, represented it as the commencement of a rebellion. Several persons were proceeded against for being present at this meeting, and were fined, or otherwise punished. This, however, did not prevent other large conventicles from being held.

On the 28th of July, 1670, the parliament met again, according to its adjournment, the two great questions to which its

attention was chiefly called being to promote the projected union with England, and to labour for the strengthening of the episcopal church government. It was believed that the government at this time showed itself less tolerant towards the presbyterians, in order to secure the assistance of the bishops in carrying the measure of the union, which was popular in neither country. The first act of the parliament, therefore, was one empowering the king to name the Scottish commissioners for treating with England for a union between the two countries. They then proceeded to pass a very severe act against conventicles, and especially against field meetings. All persons holding or attending house conventicles, were subjected to ruinous fines; and husbands were made liable for their wives, parents for their children, and masters for their servants, if any of these attended such meeting, while each burgh was made liable to punishment for a house conventicle held within its bounds. The punishment for meeting in the fields was much more terrible. "And further," says this act, "his majesty understanding that divers disaffected persons have been so maliciously wicked and disloyal, as to convocate his majesty's subjects to open meetings in the fields, expressly contrary to many public laws made there anent; and considering that these meetings are the rendezvouses of rebellion, and tend in a high measure to the disturbance of the public peace; doth therefore, with advice and consent aforesaid, statute and declare, that whosoever, without license and authority aforesaid, shall preach, expound Scripture, or pray, at any of those meetings in the field, or in any house where there be more persons than the house contains so as some of them be without doors (which is hereby declared to be a field conventicle), or who shall convocate any number of people to these meetings, shall be punished with death, and confiscation of their goods. And it is hereby offered and assured, that if any of his majesty's good subjects shall seize and secure the persons of any who shall either preach or pray at these field meetings, or convocate any persons thereto, they shall, for every such person so seized and secured, have five hundred marks paid unto them for their reward, out of his majesty's treasury, by the commissioners thereof, who are hereby authorised to pay the same; and the said seizers and their assistants are hereby indemnified for any slaughter that shall be

committed in the apprehending and securing of them. And as to all heritors and others who shall be present at any of these field conventicles, it is hereby declared, they are to be fined *toties quoties* in the double of the respective fines appointed for house conventicles, without prejudice of any other punishment due to them by laws as seditious persons and disturbers of the peace and quiet of the kirk and kingdom." Another act, intended to make this more effective, was equally cruel and arbitrary. "Forasmuch," it said, "as it is the duty of all good subjects to give their best concurrence and assistance, as they shall be thereunto required by public authority, for discovery and punishment of all crimes against the public laws, or which may tend to the breach or disturbance of the public peace of the kingdom; and that it is a high contempt of authority, and a signal evidence of disloyalty and inclination to rebellion, to refuse or shift the same when required thereunto: therefore his majesty, with advice and consent of his estates in parliament, doth hereby statute and ordain, that all and every subject of this kingdom, of whatever degree, sex, or quality soever, who hereafter shall be called by his majesty's privy council, or any others having authority from his majesty, to declare and depone upon oath, their knowledge of any crimes against the public laws and peace of the kingdom: and particularly of any conventicles or other unlawful meetings, and of the several circumstances of the persons present and things done therein, or of the resetting and intercommuning with persons who are or hereafter shall be declared fugitives or rebels, are obliged in conscience, duty, and by the allegiance of subjects, to declare and depone their knowledge thereof, and of all the particulars relating thereunto: And if any shall happen to be so perversely wicked and disloyal, to refuse or delay to declare or depone, being thereunto required, as said is; his majesty, with advice and consent foresaid, appoints their punishment to be fining and close imprisonment, or banishment by sending them to his majesty's plantations in the Indies or elsewhere, as his majesty's council shall think fit." The king himself is reported to have expressed his dislike to these acts, as too severe, but he did not interfere to alleviate them. In parliament, one single vote was given against them, that of the earl of Cassillis. Some opposition on the vote of subsidies, in which

the duke of Hamilton stood forward, seemed to mark the commencement of jealousies against the men in office who arrogated all the power and profits of the government to themselves.

While these things were going on in parliament, Leighton, bishop of Dunblane, the most moderate and pacific of the prelates, who was now administrator of the diocese of Glasgow, was labouring to effect a sort of accommodation with the presbyterians. When he entered upon the administration of the archbishopric, he found the country full of complaints of the scandals of his clergy, and he began by appointing a committee to receive complaints, regulate the affairs of ministers, convene before them the scandalous and unworthy, make trial of what was laid to their charge, and determine according as they found cause. The episcopalians in general looked upon Leighton's reforming spirit with no very favourable eye, while the presbyterians complained that the proceedings against the scandalous ministers were carried on in a very indulgent and partial manner. The bishop, however, was not discouraged, but he followed up this step with an attempt to retrieve the character of the episcopal clergy in the west by bringing thither some ministers of greater learning and reputation, and, though these were termed ironically by the presbyterian population "the bishop's evangelists," they were most of them well calculated to confer credit and respectability upon the episcopal church in Scotland. One of them was Gilbert Burnet, afterwards so celebrated as bishop of Salisbury. It was not, however, till towards the close of the year that Leighton brought forward his plan of accommodation, although the matter had been started in the autumn preceding. It appears that, at bishop Leighton's desire, the earl of Lauderdale had written letters to certain of the indulged ministers, desiring them to repair to Edinburgh on the 9th of August, when he had an important communication to make to them. They all obeyed, and on the day appointed waited upon Lauderdale at Holyrood-house, where they found several members of the privy council, with bishop Leighton and Gilbert Burnet, the latter just appointed professor of divinity at Glasgow. Lauderdale entered upon the subject by informing the ministers that he had heard of no complaints against any of them since they had accepted the indulgence, and that he had sent for them to have their

advice on an accommodation, and to propose an agreement upon joint measures which might tend to the peace of the church. He enlarged upon the king's great condescension to them, and upon his wish for a complete unity and harmony. Leighton, who next spoke, insisted much on the good intentions of the king, and made some remarks on the presbyterian form of government, which gave great offence to the ministers present, who afterwards drew up a reply to them. Lauderdale pressed the ministers to give their sentiments on the proposal of an accommodation between the dissenting parties in the west. The ministers replied that this proposal concerned the whole body of presbyterians, indulged and not indulged, and declined giving their private judgment on a matter of such general concern, until they had consulted their brethren. The result of this conference was, that the presbyterian ministers, indulged and not indulged, were allowed to meet among themselves to consider the bishop's proposal, and they were given time till the 1st of November to prepare their answer. As Leighton had not given them his proposal in writing, it was communicated among the presbyterian ministers in the following shape: "Presbyteries being set up by law, as they were established before the year 1638, and the bishop passing from his negative voice, and we having liberty to protest and declare against any remainder of prelatie power retained, or that may happen at any time to be exercised by him, for a *salvo* for our consciences from homologation thereof; *queritur*, whether we can, with safety to our consciences and principles, join in these presbyteries? or, what else it is that we will desire or do for peace in the church, and an accommodation, episcopacy being always preserved." At a very full meeting of the presbyterian ministers of the south and west, it was agreed, after much discussion, that these concessions were not sufficient to be a foundation of their sitting and acting in presbyteries and synods with the prelates. The substance of their arguments against it was, that although presbyterian ministers did sit and act with bishops before 1638, presbyterian government was then established by law, and the prelates were merely obtruded upon presbyteries and synods, whereas now episcopacy was established, and presbyteries were by law abolished. It was further alleged that the old presbyterians made a difference

between sitting in presbyteries with a bishop or his constant moderator, and sitting with him in his diocesan synod. After the pretended assembly at Glasgow was ratified in 1612, and the bishops were invested with the sole power of ordination and jurisdiction, the presbyterian ministers, generally speaking, left the bishops' meetings; and, as soon as providence opened a door, they did their utmost to be rid of the prelates, and brought about "that notable revolution" of 1638, of which their joining with the bishops at present would be a plain giving up. Moreover, they were suspicious of Leighton's sincerity in the proposal to waive the bishop's negative voice in these meetings, and were led by some ambiguous phrases he had used to believe that, even if nominally relinquished, it would be virtually retained under some other name. On these and other considerations, the ministers pronounced against the accommodation.

The bishop still persisted, and, after several conferences with the ministers, it was arranged that the matter should be more fully discussed at a meeting to be held at Paisley on the 14th of December. The meeting was attended by bishop Leighton, the provost of Glasgow, sir John Harper of Cambusnethan, Mr. Gilbert Burnet, Mr. James Ramsay, dean of Glasgow, and about twenty-six presbyterian ministers. The bishop spoke eloquently and at great length on the peace of the church and the evils of division, commending the episcopal form of government, and on the other hand dispraising the government of the presbyterian church. Mr. John Baird then spoke for the ministers, and said, that the brethren had seriously considered the proposal made to them in August, and found that they could not, without quitting their principles and wronging their conscience, condescend to sit in judicatories with a bishop, under whatever name, who is not chosen by these meetings, nor liable to censure from them for malversation, and so far as he could, retains his negative power, and continues a prelate; with whom they reckoned themselves bound, by solemn engagements to God, not to comply. "Then," exclaimed the bishop, "is there no hope of peace?—are you for war?—is all this in vain?" A dispute now arose between Burnet and some of the ministers on the merits of presbyterianism, which was ended by the ministers asking for the bishop's proposals in writing, and a delay till the morrow to consider

upon them. The bishop said that he had no warrant to give anything in writing; but, at the desire of sir John Harper, Burnet drew up a series of proposals, to which the bishop gave his approbation. These proposals were:—"1. That if the dissenting brethren will come to presbyteries and synods, they shall not only not be obliged to renounce their own private opinion anent church government, and swear or subscribe anything thereto, but shall have liberty at their entry to the said meetings to declare and enter it in what form they please. 2. That all church affairs shall be arranged in presbyteries or synods, by the free vote of presbyters, or the major part of them. 3. If any difference fall out in the diocesan synods, betwixt any of the members thereof, it shall be lawful to appeal to a provincial synod, or their committee. 4. That entrants being lawfully presented by the patron, and truly tried by the presbytery, there shall be a day agreed on by the bishop and presbytery for their meeting together for their solemn ordination and admission, at which there shall be one appointed to preach, and that it shall be at the parish church where he is to be admitted, except in the case of impossibility or extreme inconveniency; and if any difference fall in touching that affair, it shall be referable to the provincial synods, or their committee, as any other matter. 5. It is not to be doubted, that my lord commissioner's grace will make good what he offered anent the establishment of presbyteries and synods; and we trust his grace will procure such security to these brethren for declaring their judgment, that they may do it without any hazard in contravening any law, and that the bishop shall humbly and earnestly recommend this to his grace. 6. That no entrant shall be engaged to any canonical oath or subscription to the bishop, and that his opinion anent that government shall not prejudice him in this, but that it shall be free for him to declare."

After examining this paper, the ministers required further time for its consideration, and the bishop gave them till the 11th of January, when their final answer would be expected. A few days after this conference at Paisley, the ministers met at Kilmarnock, and they then came to the resolution that the bishop's proposals now given to them in writing were much more unsatisfactory than his previous verbal suggestions. The matter was, however, subjected to much discussion, and among other suggestions, the following

counter proposals were drawn up, to be suggested by the presbyterians as the grounds of an accommodation. It is doubtful whether they were ever submitted to any of the episcopal party, but they are interesting as showing us the farthest point of conformity which the presbyterians at this time were willing to yield. The presbyteries, then, proposed, "1. That episcopacy being reduced to a fixed presidency in presbyteries, synods, and general assemblies, all church matters be managed, decided, and determined by the plurality of the votes of presbyters convened in the said respective meetings, and that bishops act nothing, neither in ordination or jurisdiction, but by moderating in the said meetings without a negative. 2. That it shall not be in the bishop's power to refuse to concur in the ordination of any persons lawfully presented by the patron, and duly tried and approved by the presbytery; and that the ordination be publicly done by the concurrence of bishop and presbytery at the parish kirk; and in case the bishop, by some intervening invincible impediment, cannot keep the day and hour agreed upon, that a new day be appointed, and that as soon as possibly can be thereafter, for the said ordination; and in case the bishop shall refuse or delay to concur in the ordination, the lords of his majesty's privy council shall, upon complaint of the patron, parish, or presbytery, direct letters of horning, charging him for that effect. 3. That as general assemblies, synods, and presbyteries, are razed and quite taken away, by act of parliament for restitution of bishops in 1662, and the act for a national synod, so they be also revived again by act of parliament, the induction of the general assembly being reserved to the king, and the moderating in the synods to the bishops, as also in presbyteries when they are present, and, in their absence, by other moderators chosen by the synod. 4. That outed ministers, not yet indulged, shall enter into charges as freely as they who are indulged. 5. Because many godly ministers cannot be satisfied in their consciences silently to concur with a bishop or a fixed president in the exercise of government; that it shall be leisome (*lawful*) to them at their first entering into the said presbyteries, synods, and general assemblies, and as oft thereafter as they shall think fit, to protest. 6. That entrants to the ministry have the same liberty, and be free of the oath of canonical obedience. 7. That the oath of allegiance be cleared, and the king's power and su-

premacy in ecclesiastical matters to be only *potestas civilis*. 8. And lastly, because the intervals betwixt general assemblies may be long, to the effect bishops may be censurable for their lives and doctrine, that there be a meeting yearly of the whole bishops, with three or more ministers, to be chosen by the free votes of the several synods, who shall have power to depose, suspend, and otherwise censure the bishops, but have no power to meddle in any other ecclesiastical matter." With such opposing pretensions and claims, it is not surprising that Leighton's plan for an accommodation was found impossible. Perhaps, indeed, the presbyterians acted wisely in refusing it, for, to judge by their conduct in other matters, had the court agreed to and carried Leighton's plan, it would probably have been only to use it as a snare, so that the ministers might have found themselves eventually in a worse case than before. At the meeting at Kilmarnock a certain number of ministers were chosen as a deputation to carry their answer to Edinburgh on the day appointed (the 11th of January, 1671), and this answer was reduced to writing, in which form it was to be given in if required. They were received at Holyrood-house by the chancellor, the duke of Hamilton, the earl of Tweedale, and some other members of the privy council, with bishop Leighton and Mr. Burnet. They appear to have received the answer of the presbyterian ministers with considerable reluctance, and a second conference on the subject was held on the 21st of January, after which, as the ministers showed no inclination to yield, the matter was dropped. On the 26th of the same month, immediately after the proposal for an accommodation was at an end, the council passed an act confining all the indulged ministers, who kept not presbyteries and synods, to their respective parishes.

Immediately after the adjournment of parliament, the Scottish commissioners appointed to treat on the subject of a union between the two kingdoms proceeded to court, where they were introduced to the king by Lauderdale in the dark. Charles told them that, although he could not see their faces, he hoped that they were met to promote the good of both kingdoms, which he assured them was the only object he had in this design. Lauderdale then complimented the king, by telling him that the Scots had so much confidence in his intentions, that they would willingly have left

the whole matter in his own hands, which Charles said they might safely have done. It was then arranged that the commissioners of the two kingdoms should hold their joint meetings at Somerset-house, and the first was accordingly held there on the 17th of September, 1670. A written message from the king was there delivered to them, in which the subject to be discussed was divided under four heads, which they were at liberty to take under consideration in what order they chose. These heads were, 1, the preserving entire to either kingdom their laws, civil and ecclesiastical; 2, the uniting of the two kingdoms inseparably into one monarchy; 3, the reducing of the two parliaments to one; 4, the stating of all privileges, trade, and other advantages; 5, the making secure the conditions of the union. After this paper had been read, the commissioners of each nation separated from the others, and went to deliberate apart, the Scots meeting privately in the lodgings of the earl of Lauderdale. There the lord-advocate earnestly opposed the project, alleging that such a union could not be effected without destroying the fundamental constitution of the kingdom of Scotland, and he urged that the Scottish parliament could neither abolish itself nor empower others to abolish it, one of which things must be done in order to carry out the third article. An existing statute, too (the act of 8 James VI.), made it treason to attempt any alteration in the parliament or any transfer or alienation of the kingdom. The union proposed by king James, he said, differed entirely from the one on which they were now called to deliberate, for by the former, each individual state was to preserve its own sovereignty, as in the union of the ancient republics. In reply to this, Lauderdale alleged that the united provinces were in the same condition, each having its own sovereignty preserved, although they were represented in a common council for the direction and government of the whole; and that the republics of Greece had their general council of the amphictyons. The English commissioners had an equal objection to the union of the two parliaments, because they believed that it would bring into that of England a large number of needy members, who might be dangerous to the liberties of the whole. Lauderdale suggested that this difficulty might be overcome by letting each parliament remain entire and independent, but authorising the

king to call them together to deliberate in common on any great emergency. This proposal, however, was not in accordance with the king's design; and after considerable debate, it was finally yielded by the commissioners of both nations that the parliament should be incorporated together, according to the wording of the third article of the king's message. A new difference now arose, the English commissioners declaring that they could only consent to the admission into the united parliament of a certain proportion of the members of the Scottish parliament, that proportion to be regulated by the wealth and population of the country, while the Scots insisted that all the members constituting their own parliament should be admitted into the united legislative body. On this point it was found impossible to come to an agreement, and the conference was broken up. When Lauderdale introduced the Scottish commissioners to take their leave of the king, the latter expressed his disappointment at the difficulties which had arisen, and promised to think of some expedient for removing them. Thus ended for the present the proposal for an incorporate union between the two kingdoms.

This attempt at a union was followed by some changes in the Scottish government, which threw the supreme power in that kingdom more and more into the hands of the earl of Lauderdale. This imperious nobleman had allowed the administration in Scotland to be managed by the earl of Tweeddale and sir Robert Murray, who had been gradually introducing improvements in the government, and had in some degree softened his violence and extravagance. Lauderdale had been separated from his wife, and was living openly with the countess of Dysart, an unprincipled woman, who now, in conjunction with the earl of Rothes, excited his jealousy of Tweeddale, and he effected a new arrangement of the Scottish government, placing his brother, lord Hatton, at its head. About this time the countess of Lauderdale, who had retired to Paris, died, and Lauderdale immediately married lady Dysart, to the no little scandal of his best friends, among whom was sir Robert Murray, who incurred the great and lasting displeasure of his old patron by advising him against the marriage. Lauderdale now united in his own person the offices of king's commissioner, president of the council, secretary of state, one of the commissioners of the treasury, captain of



Engraved by W. T. M. & Co.

JOHN MAITLAND, DUKE OF LAUDERDALE.

OB. 1682.

FROM THE ORIGINAL OF SIR PETER LEY IN THE COLLECTION OF

THE RIGHT HON^{BLE} THE EARL OF LAUDERDALE.

Edinburgh-castle and of the Bass, agent at court for the royal burghs, and one of the four extraordinary lords of session. All the other important offices of state were held by his relations or friends. Lord Hatton, his brother, was treasurer, deputy-general of the mint, and one of the lords of session; the earl of Athol was lord privy seal, justice general; captain of the king's guard, and one of the four extraordinary lords of session; the earl of Kincardine was one of the commissioners of the treasury, vice-admiral of Scotland, and an extraordinary lord of session; sir James Dalrymple of Stair was president of the court of session; and sir James Lockhart of Lee was lord justice-clerk.

In 1672, previous to his being sent to Scotland as commissioner to open the third session of his parliament, the earl was raised to the title of duke of Lauderdale. Accompanied by his duchess, he made a pompous progress through the kingdom, and was received everywhere with the utmost splendour and with the most profound servility. When parliament was opened, on the 16th of June, the duchess had a chair of state placed for her in the parliament house, an honour which had not previously been conferred even on the queen. The parliament began by approving of the war with Holland, and offering their services in carrying it on. They then passed acts in favour of bishops, with severe penalties against the nonconformists. The conduct of the commissioner in parliament was, as usual, haughty and imperious. With his sole voice, he checked the freedom of debate, and coerced the votes. He had opened the parliament with an assurance from the king that no money would be asked for during that session; yet parliament had not long been sitting before he employed the earl of Athol to move for a voluntary offer of a subsidy. This met with considerable opposition, in revenge for which he caused a member of the house to be thrown into prison, his only offence being a suggestion that they should consult their constituents before granting the money. Such was the servility of the parliament, that no resentment was shown at this outrage on its privileges, and the imprisoned member, after a week's confinement, was constrained to beg pardon of the commissioner on his knees. Meanwhile the country was doubly oppressed by the creation of numerous monopolies, which were lavished upon Lauderdale's friends; and the excessive penalties against presbyterians were enforced savagely

in order to supply funds for the extravagance of himself and his creatures.

Having carried all his measures without difficulty, Lauderdale adjourned this subservient parliament, and hastened to court to receive the congratulations of his royal master, and assist in his designs against the liberties of England; but he was destined there to meet with a signal disappointment. The resistance to the court was so great, that the celebrated "cabal" was broken up; one of its members, Ashley Cooper earl of Shaftesbury, had deserted to the popular side; and the parliament resolved to impeach Buckingham, and voted Lauderdale to be a grievance and unfit to be employed in any office. Towards the close of the year 1673, this latter nobleman went back to Scotland, to meet the parliament of that country again, but he found that during his absence a formidable coalition had been organised against him. The spirit of resistance shown in England, had encouraged the discontented in Scotland, and a number of statesmen who had personal piques to revenge, leagued together in an effort to drive the present ministers from power. This party was headed by the duke of Hamilton, with his brother-in-law the earl of Queensbury, and the earl of Rothes, who in the recent ministerial arrangements had been deprived of the office of treasurer. They were supported by the advocates, who were grieved at the reduction of their fees, and by the burghs, who were partly influenced by the advocates. Parliament met on the 12th of November, when, as usual, the business of the session was opened by the reading of the king's letter, which chiefly recommended stronger measures against the conventicles of the presbyterians. When it was moved that a committee should be appointed to frame an answer to the letter, the duke of Hamilton, who had concerted the mode of attack in a secret meeting of his party the evening before, rose to demand a previous inquiry into the grievances of the nation, and this demand was immediately seconded and supported by a number of voices. The court was completely taken by surprise, and at first the commissioner and the ministers of state remained perfectly mute under this unexpected attack. At length the earl of Kincardine interposed, and urged that this mode of proceeding was disrespectful to the king, and that a committee of grievance was a thing unknown in Scotland. The opposition

replied to him, and the debate was becoming warm, when Lauderdale proceeded in his usual imperious manner to overawe the speakers, but in vain; for one of the opposition, sir Patrick Home of Polwart, rose up and demanded if this were a free parliament or not. Lauderdale, who saw that he had lost his command over the parliament, now changed his tone, and made a pretence of moderation. He proposed an adjournment of the debate, and a conference of some of the ablest men of both parties to deliberate quietly on the redress of grievances. A meeting was accordingly held in the abbey, at which Lauderdale attempted to appease his opponents by offering to abandon the monopolies upon salt, brandy, and tobacco, which were three of the grievances most complained of by the people. The representatives of the parliamentary opposition rejected this proposal, alleging that they could agree to no proposals made privately while parliament was sitting. Lauderdale, nevertheless, abolished these oppressive monopolies, hoping thereby to gain popularity; but the opposition exclaimed that simple abolition was not sufficient, unless acts were passed to prevent the recurrence of such grievances in future; and they soon fixed upon other abuses equally notorious.

From abuses, they proceeded to attack persons, and an impeachment was got up against sir Andrew Ramsey, provost of Edinburgh, one of Lauderdale's creatures who was particularly notorious for his tyranny and unscrupulous conduct. The commissioner became alarmed, for if Ramsey had been convicted on a trial, a part of the accusation would have fallen upon himself, and he resolved to stop further proceedings by sacrificing the object of them. Ramsey was compelled to surrender the two offices he held, that of provost of Edinburgh, and that of a lord of session. Perceiving that it was hopeless to contend against the parliament in its present humour, Lauderdale prorogued it, and hastened to London to counteract the intrigues of his opponents, who he knew would carry their accusations to court. He had already dispatched thither the earl of Kincardine, as an abler diplomatist than his brother lord Hatton, who moreover was struggling there against an accusation of malversation in the office of the Scottish mint. The opposition, or country party, was soon represented in London by the duke of Hamilton, the earl of Tweedale, and major-general Drummond, but they were received very coldly by the king, who refused to abandon his ministers.

CHAPTER III.

INCREASED PERSECUTION OF CONVENTICLES; VIOLENCE AND UNPOPULARITY OF ARCHBISHOP SHARP; THE INVASION OF THE HIGHLANDERS; SLAUGHTER OF ARCHBISHOP SHARP.

ALL hope of prevailing against Lauderdale was destroyed by the arbitrary and treacherous conduct of the king, who, alarmed at the spirit which was showing itself in both countries, and fearing especially the consequences of the alliance of men like Shaftesbury and Hamilton with the popular parties, thought proper to temporise for a moment. He gave the latter the fullest assurance, which he never intended to adhere to, that the discussion of the grievances of Scotland should be left freely and entirely to the parliament, and Hamilton thereupon hastened back to Scotland to concert with his party the plan to be pursued in the approaching session. When the house sat down, the country party

was prepared to move an answer to the king's letter, in which all their complaints should be embodied, whereby they would have obtained possession of the estates for a full discussion of them; but Lauderdale had probably received some intimation of their intention, and immediately after prayers it was announced that parliament was adjourned by command of the king. The expostulations of the popular leaders were not listened to; but the parliament was shortly afterwards dissolved, and no other Scottish parliament was assembled during the whole of Lauderdale's administration.

Lauderdale also appears to have been alarmed at the threatening state of affairs,

and to have felt the necessity of making some attempt to gain popularity. Before he left Edinburgh on this occasion, he caused to be published at the cross, with great parade, an act of grace, by which all the fines and arrears of cess and levy money were discharged, and all participation in conventicles previous to the publication of the act was pardoned. The ministers protested against this act as not being prospective; but some way or other, a general belief spread abroad that Lauderdale approved of the conventicles, and that he intended to procure their allowance and an act of favour towards the persecuted ministers. The consequence of this belief was, that the conventicles suddenly increased in number, and in spite of the laws which were in full force against them, they were held more openly and with a considerable degree of impunity. The following description of one of these meetings at which the sacrament was administered, drawn up by Mr. Blackader himself, one of the ministers who officiated at it, has been quoted more than once to show the manner in which these proceedings were conducted; this meeting was held in the wild country on the banks of the river Whitadder.

"At the desire of several people in the Merse, Mr. Blackader, and some other ministers, had resolved on a meeting in Teviotdale, and day and place was fixed for keeping a communion; but from apprehensions of danger, this resolution was changed, as it was feared they might come to imminent hazard. It was agreed to delay it a fortnight; and advertisement was sent to the people not to assemble. The report of the first appointment had spread throughout the country, and many were prepared to resort thither from distant and divers quarters. This change had occasioned great uncertainty: some had taken their journey to the Merse, willing to venture on a disappointment, rather than miss so good an occasion by sitting still. Mr. Blackader was determined to go, seeing his stay would discourage others; and if kept back, they would blame him. He told them it was not likely the meeting would hold; yet, lest any should take offence, he was content to take his venture with them. On Friday night he took horse, accompanied with a small body of attendants, and was joined by Mr. John Dickson at the port, who rode with him eleven miles that night. Many people were on the road, setting forward to be in time for

sermon on Saturday morning. Not a few, be-west of Edinburgh, hearing the report of the delay, remained at home, and others returned on the way. Nobody was certain, either from far or near, till they reached the place; where they would all have been disappointed, if providence had not ordered it better than human arrangement; for the earnest entreaties of the people had prevailed with Mr. Welsh, in the same way as Mr. Blackader, to venture at a hazard. And had it been delayed a day or two longer, it would have been utterly prevented, as the noise was spread, and the troops would have been dispersed to stop them. Meantime the communion elements had been prepared, and the people in Teviotdale advertised. Mr. Welsh and Mr. Riddel had reached the place on Saturday. When Mr. Blackader arrived, he found a great assembly, and still gathering from all airts (*points of the compass*); which was a comfortable surprisal in this uncertainty; whereat they all marvelled, as a new proof of the divine wisdom, where-with the true head of the church did order and arrange his solemn occasions. The people from the east brought reports that caused great alarm. It was rumoured that the earl of Hume, as ramp a youth as any in the country, intended to assault the meeting with his men and militia, and that parties of the regulars were coming to assist him. He had profanely threatened to make their horses drink the communion wine, and trample the sacred elements under foot. Most of the gentry there, and even the commonalty, were ill set. Upon this we drew hastily together about seven or eight score of horse on the Saturday, and equipped with such furniture as they had. Picquets of twelve or sixteen men were appointed to reconnoitre and ride towards the suspected parts. Single horsemen were dispatched to greater distances, to view the country, and give warning in case of attack. The remainder of the horse were drawn round to be a defence at such distance as they might hear sermon, and be ready to act if need be. Every means was taken to compose the multitude from needless alarm, and prevent, in a harmless, defensive way, any affront that might be offered to so solemn and sacred a work. Though many, of their own accord, had provided for their safety (and this was more necessary, when they had to stay three days together, sojourning by lions' dens and the mountains of leopards), yet none had come armed with hostile intentions. We

entered on the administration of the holy ordinance, committing it and ourselves to the invisible protection of the Lord of Hosts, in whose name we were met together. Our trust was in the arm of Jehovah, which was better than weapons of war or the strength of hills. If the God of Jacob was our refuge, we knew that our cause would prosper;—that in his favour there was more security than in all the defences of art or nature. The place where we convened was every way commodious, and seemed to have been formed on purpose. It was a green and pleasant haugh (*spot of level ground*) fast by the water side [*the River Whitadder.*] On either hand there was a spacious brae (*declivity of a hill*), in form of a half-round, covered with delightful pasture, and rising with a gentle slope to a goodly height. Above us was the clear blue sky, for it was a sweet and calm sabbath morning, promising to be indeed one of the days of the Son of man. There was a solemnity in the place befitting the occasion, and elevating the whole soul to a pure and holy frame. The communion tables were spread on the green by the water, and around them the people had arranged themselves in decent order. But the far greater multitude sat on the braeface, which was crowded from top to bottom, full as pleasant a sight as was ever seen of that sort. Each day, at the congregation's dismissing, the ministers, with their guards, and as many of the people as could, retired to their quarters in three several country towns, where they might be provided with necessities for man and horse for payment. Several of the yeomen refused to take money for their provisions, but cheerfully and abundantly invited both ministers and gentlemen each day at dismissing. The horsemen drew up in a body till the people left the place, and then marched in goodly array at a little distance, until all were safely lodged in their quarters; dividing themselves into three squadrons, one for each town where were their respective lodgings. Each party had its own commander. Watches were regularly set in empty barns, and other outhouses, where guards were placed during the night. Scouts were sent to look about, and get intelligence. In the morning, when the people returned to the meeting, the horsemen accompanied them; all the three parties met, a mile from the spot, and marched in a full body to the consecrated ground. The

congregation being all fairly settled in their places, the guardsmen took their several stations as formerly. These accidental volunteers seemed to have been the gift of providence, and they secured the peace and quiet of the audience; for, from Saturday morning, when the work began, until Monday afternoon, we suffered not the least affront or molestation from enemies, which appeared wonderful. At first there was some apprehension; but the people sat undisturbed, and the whole was closed in as orderly a way as it had been in the time of Scotland's brightest noon. And truly, the spectacle of so many grave, composed, and devout faces, must have struck the adversaries with awe, and been more formidable than any outward ability of fierce looks and warlike array. We desired not the countenance of earthly kings; there was a spiritual and divine majesty shining on the work, and sensible evidence that the great Master of assemblies was present in the midst. It was, indeed, the doing of the Lord, who covered us a table in the wilderness, in presence of our foes, and reared a pillar of glory between us and the enemy, like the fiery cloud of old, that separated between the camp of Israel and the Egyptians, encouraging to the one, but dark and terrible to the other. Though our vows were not offered within the courts of God's house, they wanted not sincerity of heart, which is better than the reverence of sanctuaries. Amidst the lonely mountains, we remembered the words of our Lord, that true worship was not peculiar to Jerusalem or Samaria; that the beauty of holiness consisted not in consecrated buildings, or material temples. We remembered the ark of the Israelites, which had sojourned for years in the desert, with no dwelling-place but the tabernacles of the plain. We thought of Abraham, and the ancient patriarchs, who laid their victims on the rocks for an altar, and burnt sweet incense under the shade of the green tree. The ordinance of the last supper, that memorial of his dying love till his second coming, was signally countenanced; and backed with power and refreshing influence from above. Blessed be God, for he hath visited and confirmed his heritage when it was weary. In that day, Zion put on the beauty of Sharon and Carmel; the mountains broke forth into singing, and the desert place was made to bud and blossom as the rose. Few such days were seen in the desolate church of

Scotland, and few will ever witness the like. There was a rich and plentiful effusion of the Spirit shed abroad on many hearts. Their souls, filled with heavenly transports, seemed to breathe in a diviner element, and to burn upwards, as with the fire of a pure and holy devotion. The ministers were visibly assisted to speak home to the conscience of the hearers. It seemed as if God had touched their lips with a live coal from his altar, for they who witnessed declared, they carried more like ambassadors from the court of heaven, than men cast in earthly mould. The tables were served by some gentlemen and persons of the gravest deportment. None were admitted without tokens, as usual, which were distributed on the Saturday, but only to such as were known to some of the ministers, or persons of trust, to be free of public scandals. All the regular forms were gone through: the communicants entered at one end, and retired at the other, a way being kept clear to take their seats again on the hill-side. Mr. Welsh preached the action sermon, and served the first two tables, as he was ordinarily put to do on such occasions; the other four ministers, Mr. Blackader, Mr. Dickson, Mr. Riddel, and Mr. Rae, exhorted the rest in their turn: the table service was closed by Mr. Welsh, with solemn thanksgiving—and solemn it was—and sweet and edifying to see the gravity and composure of all present, as well as all parts of the service. The communion was peaceably concluded; all the people heartily offering up their melody swelling in full unison along the hill, the whole congregation joining with one accord, and praising God with the voice of psalms. There were two long tables, and one short across the head, with seats on each side. About a hundred sat at every table; there were sixteen tables in all, so that about three thousand two hundred communicated that day. The afternoon sermon was preached by Mr. Dickson, from Genesis xxii. 14; and verily might the name of the place be called Bethel, or Jehovah-jireh, where the Lord's power and presence was so signally manifested. After so thick and fearful a darkness had overshadowed the land, the light of his countenance had again shone through the cloud with dazzling brightness, and many there would remember the glory of that day. Well might the faith of the good old patriarch be contrasted with theirs on that occasion; they had come on a journey

of three days into the wilderness to offer their sacrifice; they had come in doubt and perplexity as to the issue; but the God of Jacob had been their refuge and their strength, hiding them in his pavilion in the evil day. The whole of this solemn service was closed by Mr. Blackader on Monday afternoon, from Isaiah liii. 10."

The very year of this great meeting (1674), the policy of the court towards the presbyterians changed, and more severe proceedings were adopted against the conventicles. In spite of some vigorous efforts to overthrow his influence, Lauderdale seemed to stand firmer in the king's favour than ever, and he laid aside the thin mask of moderation, which for a moment he had assumed. Several proclamations of the Scottish council had already indicated the returning policy of persecution, when, on the 23rd of June, 1674, a letter came from the king to the council ordering that the acts against conventicles should be executed with the utmost rigour, and announcing that he had directed English troops to be sent to Berwick, and Irish troops to the coast of Ulster, to be ready to pass into Scotland and assist in suppressing the presbyterians. A circumstance had occurred, which, though of very little importance in itself, was much talked of and made a handle for vexatious proceedings. As the mere presenting of a petition in favour of the covenanters was treated as a treasonable offence, and no man dared to expose himself to the risk, the women of Edinburgh resolved to try what effect their interference would produce, and they met together and drew up a petition to the privy council in the following words:—"Unto the right honourable the lords of his majesty's privy council, the humble supplication of several women of the city of Edinburgh, in their own name, and in the name of many who adhere thereto, humbly sheweth, that whereas your petitioners being long deprived of the blessing of a faithful public ministry, and of the purity of worship and ordinances that God hath commanded, and after much sad suffering for attendance thereupon in private; yet for some short while bygone, and in the time when his majesty's commissioner was amongst us, your lordships' petitioners have, without molestation, enjoyed some small liberty by his majesty's gracious connivance; yet now we are sadly alarmed, that through the malicious and false information given in by some of those who side with and serve the bishops, your

lordships may be induced, to the grief of the hearts of many thousands in this land, to trouble the quiet meetings of the Lord's people at his worship. May it therefore please your lordships to grant such liberty to our honest ministers that are through the land and in this city, that they may lawfully and without molestation exercise their holy function, as the people shall in an orderly way call them; that we may, to the comfort of our souls, enjoy the rich blessing of faithful pastors, and that our pastors may be delivered from any sinful compliance with what is contrary to the known judgment of honest presbyterians. In doing whereof, your lordships will do good service to God and the king's majesty, and deeply oblige all honest people in the land. And your petitioners shall ever pray," &c. Fifteen ladies, chiefly widows of ministers who had thus no husbands to compromise, undertook each to present a copy of this petition to one of the principal privy councillors. Accordingly, when the council met on the 4th of June, they found the parliament close crowded with women. The chancellor entered first, accompanied by the primate (Sharp), who, naturally a coward, stuck close to him and exhibited unmistakable signs of fear. Some of the petitioners assailed him with the epithets of Judas and "traitor," and one, laying her hand upon his neck, said, "ere all be done that neck behoveth to pay for it;" but they offered him no violence or other incivility. A copy of the petition was first presented to the chancellor by the widow of Mr. John Livingstone, a lady much respected for her virtues and piety. He received it with courtesy, read it, and listened affably to the lady's arguments, as holding him by the sleeve she eloquently pleaded her cause. They walked thus together to the door of the council-chamber, the chancellor now and then addressing a word or a jest to the others, and appearing to enjoy the fright of the archbishop of St. Andrews. Some of the partisans of that prelate afterwards pretended that his courteous bearing on this occasion was only a *ruse* to get the archbishop safe into the council-chamber, in the belief that the women intended to assassinate him. None of the council, however, showed any want of courtesy except sir James Dalrymple of Stair, the president of the court of session, who, when the petition was given to him, threw it down in contempt, upon which one of the lookers-on

exclaimed, in reference to some circumstances of his past history which he had no desire should be remembered, that he had not treated the remonstrance in the same manner. No sooner, however, had the council met, than they took the petition into consideration, and voted it a seditious libel; upon which about a dozen of the ladies who had subscribed it were called in, and, being examined, they declared "that no man had any hand in the petition, but that they were moved thereto from the sense of their perishing starved condition, under the want of the gospel, having none to preach to them but ignorant and profane men, whom they could not hear." Upon this the twelve ladies were placed under arrest and confined in an adjoining room, while the provost and guard were sent out to disperse the crowd; but the other ladies refused to obey unless their companions were set at liberty, and the council were so far ashamed of their proceedings that they let them go, and the crowd immediately dispersed. Next council day, however, they seem to have repented of their lenience, and the whole of the subscribers to the petition were called, apparently without previous notice, for none of them appeared, and three, Mrs. Margaret Johnston (a daughter of lord Warriston), Mrs. Cleland, and Lilius Campbell, were committed to prison. An attempt was now made to give great importance to this occurrence; on the 25th of June, a committee was appointed to examine these prisoners; and subsequently some other women were arrested. By an order of the council, dated the 12th of November, Mrs. Elizabeth Rutherford, Mrs. Margaret Johnston, lady Mersington, and several other women accused of being concerned in the tumult in the parliament-close, were banished from the capital.

The year 1675 was remarkable for several flagrant instances of the tyranny of the duke of Lauderdale and his administration. One of these is deserving of notice, on account of the political importance which was given to it. A private law-suit had arisen between the earls of Dunfermline and Callendar, which had been taken up with considerable party feeling, as the latter noble was the son-in-law of the duke of Hamilton, and the former was Lauderdale's uncle. Lauderdale was in a minority in the parliament, but the court of session was entirely under his influence, and he was determined in order to decide the cause

against the earl of Callendar, that it should be tried in the latter court, and decided before he started for London. To effect this, he caused the established rules of the court to be broken through, in order that the cause might be brought on out of its turn, and sat himself as an extraordinary judge for the occasion, in order to overawe the judgment which, accordingly, was given against the duke of Hamilton's relative. By advice of his counsel, the earl of Callendar lodged an appeal to the parliament. Lauderdale hurried to London, and obtained a letter from the king to the session, confirming their judgment, declaring his resolution to maintain the authority of that court against all encroachments, and his entire disapproval of all appeals from it. But this was not all; for it was intimated to those who had made the appeal, and to the advocates who had supported it, that unless they consented to make a solemn disavowal of all right of appeal from that court, severe proceedings would be taken against them by the crown. The advocates refused to obey this injunction, and as a punishment they were debarred from further practice during the king's pleasure; and were banished to a distance of twelve miles from Edinburgh, and about fifty others of the most eminent members of the Scottish bar followed their example, so that the bar itself became divided between those who supported the appeal and those who took the opposite side of the question, or, in other words, between those who supported the rights of parliament and those who advocated the arbitrary authority of the king. The banished advocates looked forward anxiously to a meeting of parliament, when their opponents, by disavowing the right of appeal to parliament, had rendered themselves liable to the charge of high treason from that body, in which Hamilton's party were certain of a majority. The advocates had recourse to the burghs, to strengthen the parliamentary interest, but they failed in carrying their point in a convention of the burghs held at Sterling, by the treacherous withdrawal of the representative of Edinburgh, baillie Baird, which caused the convention to be adjourned to the capital. There they received a royal mandate, urging the burghs to return to a practice which had once prevailed of electing none but tradesmen for their representatives. The pretence of this recommendation was that they should recover their independence of the nobility,

but it was evident to everybody that the real object was to overthrow the Hamiltonian interest and obtain a parliament which would be subservient to Lauderdale. The advocates thereupon circulated a paper of reasons, why this practice in former times had not succeeded, and had been laid aside. They said, "That the burgesses and traders being unacquainted with law, and unaccustomed to public speaking, were unable to defend their privileges and the general interest of the kingdom, and that their only safety lay in choosing able men who could stand between them and the other two estates when there was any collision of interests; and that the electing of such men was the only expedient by which the parliament of England preserved its liberty, and the nation their privileges. Nor was there any hazard to trade by choosing such as were not traders, for there would still be many who were, and could instruct such as were not, provided they were honest; and although the burghs would not restrict themselves to traders, by reviving old acts, yet this did not prevent them from choosing traders, if these were the best qualified." Other reasons were given, and the convention agreed to an answer to the king's letter, drawn up by sir George Mackenzie, sir George Lockhart, and Mr. Walter Pringle (three of the most eminent lawyers), and asserting in respectful language the unrestrained right of election. Everything contrary to the king's will was at this time treated as rebellion, and the privy council condemning the answer of the convention as a seditious paper, fined the provosts of Glasgow, Aberdeen, and Jedburgh, as the authors of it. The advocates next presented an address to the privy council, in which they proved the right of appeal by precedent and acts of parliament, and urged the danger of forcing them to answer upon oath on matters which concerned their clients, which the court had attempted to do: but there were expressions in this paper which showed that those who had written it began already to fear the danger they were running in their opposition to the court. The privy council at once pronounced that the address was seditious, and commenced proceedings against those who had subscribed it, while they sent the petition itself to the king. The advocates also sent a deputation to London, to defend their proceedings and explain their motives; but, in the meantime, sir

George Mackenzie assembled all those of their party who remained in Scotland, represented to them the hopelessness of the struggle against the influence of the crown, and persuaded them to submit, and throw themselves upon the king's mercy. Their leaders, who were in London, agreed, though with considerable reluctance, to this course; and the court appears to have been too glad to gain over this important body to make any hard conditions. But the burghs were made to feel the royal vengeance. Edinburgh, as the first burgh in rank, was deprived of its right of electing its magistrates, which was only restored when it had lent its influence and assistance in carrying out the king's designs against the whole body of the municipal corporations. At a convention held at Glasgow, on the 8th of July, 1675, the burghs agreed to erase from their records the letter in which they had asserted their rights, and they adopted the king's recommendation to revive the old acts relating to the qualification of their commissioners to parliament.

The proceeding against conventicles, and against the presbyterians in general, were now assuming a more threatening character. The nonconforming ministers were sought out and treated with aggravated severity, and upon a groundless declaration of the bishops that they anticipated an armed resistance, the army in Ireland was ordered to hold itself ready for embarkation, and, besides a thousand men who were already at Berwick, an additional force was to be raised, and the militia in the northern counties was directed to hold itself ready for action. Spies were now employed by the government, who, pretending great zeal, obtained admission to the conventicles and meetings of the presbyterians, and gave information against individuals, while they urged the more rash and imprudent of the persecuted religionists to open insurrection. Some slight scuffles arising out of these intrigues were immediately seized upon as the pretext for an arbitrary and oppressive measure, which was as unnecessary as it was galling to the sufferers. A certain number of houses of strength, belonging to noblemen and gentlemen known to be unfavourable to the arbitrary measures of government, were suddenly seized upon and garrisoned, under pretence that it was necessary to occupy them for the purpose of preventing disorders. Among the places thus seized was Cardross-castle in Perthshire, the

house of the earl of Cardross, which had been already entered in a violent manner during the absence of its proprietor, and while his lady, far advanced in pregnancy, alone remained in charge of it. As Cardross is on the bounds of the highlands, and therefore exposed to attacks from the wild clans, the sudden visitation was the more alarming. The following plain and evidently unexaggerated narrative of this unjustifiable invasion of private property is given by lord Cardross himself, in his petition to the privy council for redress. "I," he says, "being in Edinburgh, and having left my wife at home all alone, sir Mungo Murray, accompanied with Walter Stuart, Henry Graham, George Murray, James Spottiswood, Andrew Hume, and others, did, in a most riotous and tumultuary manner, come into my house of Cardross, under silence of the night, and there commanded the gates to be opened to them, threatening to break up the gates, and to burn the house; and though their names were soberly desired to be known, which was very necessary in that part of the country, which in effect is in the highlands, and at midnight, your petitioner and his servants being from home, and there being only a lady with child in the house, yet they would give no other answer than that they were Scotsmen, which answer was so far from obliging any to obedience, that it justly occasioned jealousy. Notwithstanding of which, the gates being at last opened to them, they did, in a most tumultuary manner, enter the same, and abuse the whole house, affrighting your petitioner's wife, who was with child, and extending their incivility to such a barbarous height, that they forced her to rise from her bed, that they might search her chamber; and albeit they knew, as shall be proven, that the little room off the dining-room was your petitioner's own closet, and that your petitioner himself was at Edinburgh, and my wife assured them, upon her word of honour, that there was nothing there but papers, lying so open, and in such a confusion, that she could suffer none to enter, especially at such a time of the night, and in such a number; yet they threatened to break open the door, and so did enter where your petitioner's papers of greatest importance were exposed to the greatest danger. Likeas, they having seized upon the persons of Mr. John King, my own chaplain, and Mr. Robert Langlands, governor to my brothers, who were his majesty's free

lieges, neither acted nor denounced for any fact or crime, and who were not hiding themselves, but peaceably lying in their beds, they carried them most insolently from your petitioner's house, who was answerable for them, and absolutely refused to show any order; and though your petitioner's wife did most earnestly desire that they would not carry away her servants till she should come down stairs and speak with them, yet they did refuse that small favour, which was possibly very necessary for her service, upon some domestic considerations."

When lord Cardross received intelligence of this outrage in Edinburgh, he immediately, as has been already intimated, laid a complaint, by way of petition, before the privy council, in which he urged his right as a subject, as well as his privileges as a peer. After describing the proceedings of sir Mungo Murray and his companion, which he declared to be "such illegal and unwarrantable acts as were never formerly practised in Scotland, nor so much as known to our happy neighbours," he proceeded to say:—"But that your lordships may the better reflect upon this unwarrantable act, you will be pleased to consider, 1st, that none of his majesty's guards, nor none else, can apprehend the persons of free men, except in the case of treason; and the most they can do, is to secure them under caution: for execution can in no law precede sentence, and imprisonment is the severest of executions, because it ruins a man's affairs, and deprives him of liberty, which is the best and noblest part of property: 2do. Though they might apprehend, as they cannot, any single man's person, yet to be sure they cannot threaten to break up doors, nor invade houses under silence of night; for even letters of caption cannot warrant to do that, unless it be first proven to a judge that entry in his majesty's name was refused. 3tio. Whatever might be said for the apprehending of fugitives, for whom none is answerable, and where there may be hazard in the delay, yet as to servants, for whom your petitioner was answerable, conform to the late act of council, it is certainly without all warrant to apprehend any such; and it were strange that heritors must both give bonds, and must yet be liable to have their houses made open at such unseasonable times. 4to. Your petitioner craves leave to plead so far a privilege common to him with your lordships, as to allege that the houses

of noblemen, who have the honour to be born his majesty's counsellors, and who are privileged by our old laws, cannot be summarily searched, nor have their servants taken from them; and if your lordships will consider the consequences that will arise from this practice to yourselves and successors, and other peers, you will certainly find, that as this has never been practised in Scotland, so it were dangerous and dishonourable that any soldiers or others should have it in their power to force an entry into your houses, to force your ladies from their bed, to search into your closets where your papers of importance lie open, in your absence; so that, in the midst of your greatest solemnities, or when you desire most to be private, you shall never be able to be master of your own houses or quiet, but that insolent soldiers shall be allowed to disturb your solemnities and pry into your secrets at their pleasure. 5to. Though this were allowable, as it is not, yet they should have showed their names and orders before they entered; else robbers may enter upon such pretexes, and the subjects will be brought to that fatal necessity, as either to allow an entry to every vagabond, or fall under the compass of disobeying his majesty; but to seize upon any person without showing special order, was that which wanted all warrant and example, and shall, as I hope, want all countenance and allowance. 6to. Though a warrant had been enough, as it was not, yet there could not be a warrant to seize Mr. Robert Langlands; and so conscious were they of their own guilt in this particular, that they dismissed him, but not till they had carried him ten miles, and kept him a day and a night prisoner; and sure he was either unlawfully taken, or, if lawfully taken, unlawfully dismissed: and if this be lawful, then it must be lawful by the same rule to take any of the lieges, when most concerned about things most important, as going to be married, when going to redeem a wadset (*pledge*); or transact an affair of the greatest moment; so that anybody may be affronted and ruined in an arbitrary way by private soldiers."

This temperate and argumentative appeal made no impression on the council; and it was not only treated with neglect, but another incident was seized upon as an occasion for persecuting the petitioner. It appears that some of the country people, hearing of the seizure of Mr. King, who was a favourite

minister, rose and rescued him from the soldiers; and that lord Cardross's nurse and two women in his service, hearing of a tumult without, were induced by their curiosity to go to the gate to see what was the matter. The council chose to take the presence of these women at the gate as a proof that lord Cardross was "art and part" in the rescue of King, and they got up an accusation against his lady and some of his tenants of attending conventicles; upon which his lordship was fined a thousand pounds sterling, and committed a prisoner to Edinburgh-castle during the king's pleasure for the rescue of Mr. King, and subjected to a further penalty of one thousand three hundred and fifty pounds for the alleged attendance of his tenants at conventicles. As a further punishment, the house of Cardross was seized for a garrison, although there was a better house for the purpose at Doon, within five miles of it, which belonged to the crown. The garrisoning of private houses caused much discontent throughout the country, and sir Patrick Home of Polwart, who had already incurred the displeasure of the government by his activity in the parliamentary opposition, made a protest against it, and refused to pay the arbitrary exactions levied in his own shire for their support. But the bill of suspension he offered to put in was refused, and, for the offence of taking instruments of this refusal, he was declared incapable of all public trust and imprisoned in Stirling-castle.

A new act of rigour against the attendants at conventicles marked the autumn of this year (1675.) "Our managers," says Wodrow, "unsatisfied with the small game of picking up a minister here and there, give a general stroke to most part of the outed ministers, and when they cannot reach the persons of poor ministers and others, resolved to make their lives as bitter and uneasy to them as may be, and to expose them, and such who shall converse with them, to all hazards and difficulties that follow an intercommuning." These hazards and difficulties will be best imagined from the words of the document itself, which was issued on the 6th of August. As it was perfectly well known what were the invariable consequences of appearing before the privy council when summoned, most of those whose names were proclaimed endeavoured to conceal themselves, or disregarded the summons, and with the sympathies of the great mass of the population concealment was by no means difficult. The letters of intercommuning just alluded to,

after reciting that a number of persons, whose names are given, had been "orderly denounced our rebels, and put to our horn, by virtue of letters of denunciation, raised, used, and executed at the instance of our advocates, for our interest, against them, for their not compearing personally before the lords commissioners of our privy council at Edinburgh, upon the 16th day of September, 1674, to have answered and underlien the law, for their being present at house and field conventicles, and withdrawing from the public ordinances in their own parish churches, and having had their children baptized in these disorderly meetings, and for their inviting outed ministers to preach thereat, and convocating people thereto, and for harbouring, resetting, supplying, and corresponding with certain outed ministers," declares that, "our will is herefore, and we charge you straightly and command, that incontinent these our letters seen, ye pass to the market-crosses of Edinburgh, Haddington, Lanark, Cupar, Perth, Dunfermline, Stirling, Glasgow, Linlithgow, and other places needful, and thereat, in our name and authority, command and charge all and sundry our lieges and subjects, that they nor none of them presume nor take upon hand to reset (*harbour*), supply, or intercommune with any of the foresaid persons our rebels, for the causes foresaid, nor furnish them with meat, drink, house, harbour, victual, nor no other thing useful or comfortable to them, nor have intelligence with them by word, writ, or message, or any other manner of way, under the pain to be reputed and esteemed art and part with them in the crimes foresaid, and pursued therefore with all rigour, to the terror of others; requiring hereby all sheriffs, stewards, bailies of regalities and bailiaries, and their deputies, and magistrates of burghs, to apprehend and commit to prison any of the persons above written, our rebels, whom they shall find within their respective jurisdictions, according to justice, as you will answer to us thereupon." This first proscription included nearly a hundred persons, a certain number of whom were married women, and several ladies of rank and title, who were thus inhibited from receiving even the necessaries of life from their husbands and nearest relatives. The worst consequence of this proclamation was, that it laid everybody open to the villany of spies and informers, and spread persecution abroad in a more vexatious form than it had assumed before.

Strange to say, the more the ministers and those who heard them were persecuted, the more the conventicles increased, in spite of the garrisons or the letters of intercommuning, which only tended to exalt the spirit of the presbyterians and to render them more desperate. The persecuted ministers were looked upon with increased reverence by the people, who concealed and protected them, and they met to hear their preaching in the wildest part of the country, choosing such spots as were best calculated for concealment or defence; for, since the establishment of the garrisons, they more frequently carried arms to their meetings, which were generally covered and protected by troops of horse stationed around. The consequence of this was frequent hostile encounters, in which not uncommonly the king's soldiers were beaten. These meetings and conflicts, indeed, became for several years so numerous, that it would be in vain to attempt here giving an account of them. An authority quoted by Wodrow, assures us that, on a very moderate computation, nearly seventeen thousand persons had been persecuted for attending conventions before the end of the year 1677.

The year 1676 had been distinguished by an attempt among the bishops to overthrow the inordinate power of the primate, of whom they spoke in private as one who aped the pope, not much unlike that which had failed against the political influence of the duke of Lauderdale. The lead was taken by the three bishops of Edinburgh, Brechin, and Dumblane, who, after some private consultations on the absolute nullity to which the power of the other bishops was reduced by the imperious conduct of the primate, resolved upon insisting that the act appointing national synods or convocations should be carried into effect, hoping thereby to repress somewhat of Sharp's power. Sharp immediately perceived the aim of this movement, and determined to counteract it, which could only be done by obtaining from the king a letter forbidding the convocation. The spirit in which he acted will be seen clearly in the following letter, which he addressed at this time to the archbishop of Canterbury:—"May it please your grace," he said to the English primate, "albeit I have kept long silence, and my correspondence with your grace hath not been so frequent as formerly; yet, like the son of Cræsus, I must

cry out when my mother, the church, is in hazard; and I believe, if I should hold my peace, the very stones should speak, for the gospel is now at stake. We are assailed not only by foreigners, our old enemies the fanatics, who were never of us; but also, alas! my lord, there is a fire set to our own bedstraw, by sons of our own bowels, who, viper-like, seek to eat that which produced them. They are all crying for a general convocation of the clergy, upon no other account but to shake off our yoke, and break our bands asunder. I hope your grace will consider your own hazard, and what disorders have followed in England upon our distempers in Scotland. When our neighbour's house is on fire, 'tis time to look to our own. Their great aim and design is against me, who, God knows, like Paul, have spent myself in the service of this church, and am yet willing to spend what remains. I believe no man can say I have run in vain; but if I be not supported by his majesty's special favour, through your grace's interposition, I shall inevitably suffer shipwreck; and that were of no value upon my own account, but I see through my side the church shall be wounded. The only remedy is, to procure his majesty to discharge the convocation, which will calm the storm, and quench all these malicious designs which are now on foot to disturb the peace of the church. They are already come to that height of insolence, that one Mr. Cant, a presbyter, has shaken off all fear of God and regard to his canonical oath, in calling me a great grievance to the church. My dear lord and brother, bestir yourself in this affair, and remember the woe is pronounced against all those who are at ease when Zion is in distress. So recommending this to your care, I am your grace's affectionate brother and faithful servant—St. Andrews." Besides thus using every exertion to secure himself at court, the primate endeavoured to throw discredit on the movement, by representing that this sudden clamour for a convocation was a mere trick of the duke of Hamilton's party to embarrass the court; and he was so successful, that the bishop of Edinburgh, who had been the great mover in the matter, as well as the bishop of Brechin, suddenly deserted the cause, and left the bishop of Dumblane to sustain the struggle alone, or at least with the assistance only of some inferior churchmen. This he did for a time, unaware that he was encountering

the opposition of the crown. A letter was procured from the king, and a meeting of the bishops was held at St. Andrews, at which the bishop of Dumblane was not only treated with studied neglect, but he was even menaced with threats; he was not allowed to see the king's letter, nor even to be present at any discussions, and he found himself subjected to treatment of such a contemptuous kind, that he went away from the meeting, leaving a letter for the primate, in which he expostulated against the tone of the proceedings. The meeting found him guilty of disrespect to his metropolitan, and as a punishment, he was commanded to exchange his bishopric of Dumblane for that of the isles, which was in the archiepiscopate of Glasgow.

The persecution of the presbyterians increased as the power of archbishop Sharp became more firmly established. Committees were appointed early in the year 1676, to perambulate the country, but the men who composed them professed to consider that the cruel decrees of government were intended rather *in terrorem* than to be strictly executed, and their proceedings were far from satisfying the episcopal faction. A new plan was therefore adopted in the course of the year, and a committee for public affairs was appointed, at the head of which were placed the two archbishops, with Lauderdale's brother, lord Hatton, who were accompanied by a number of noblemen known to be most devoted to Lauderdale, and by the officers of state and law, who were *ex officio* members of the committee. Three members composed a quorum, and they were nominally accountable for their proceedings to the privy council, but archbishop Sharp appears to have ruled with despotic power, and they appear seldom to have troubled the privy council with any account of their arbitrary and cruel acts, or even to have kept any record of them. Their chief agent was an unprincipled man, known as captain Carstairs, who was busy not only in searching out victims, but in creating crimes for the purpose of extorting money from unoffending individuals. An example of his proceedings was furnished soon after the establishment of the committee of public affairs in the case of Mr. James Kirkton, an outed minister, to whom we owe a history of the church of Scotland. This affair occurred about the middle of June, 1676, and is thus related by Wodrow, who used

for his materials Kirkton's own account of it and the records of the council:—"Mr. Kirkton, about the time mentioned, one day walking in the street of Edinburgh about noon, was accosted very civilly by a young gentleman (we shall afterwards find him to be captain Carstairs), and another gentleman, and a lackey; he knew none of them, but came afterwards to know both to his cost. Carstairs desired to speak a word with Mr. Kirkton; to which he answered, he would wait on him, suspecting no evil. When walking off towards the side of the street, he asked the other, (James Scott of Tushilaw,) who this young gentleman was, for he was perfectly a stranger to him; Scott answered him with silence and staring; and then Mr. Kirkton found he was trepanned and a prisoner. However, he was glad when they carried him to a private house, and not to the prison, which was near by. The place they brought him unto was Carstairs's own chamber, an ugly, dark hole, in one Robert Alexander, a messenger, his house. As soon as Carstairs got him into his chamber, he sent off Scott and his footman, probably to bring some more of their companions. When they were gone, Mr. Kirkton asked what he wanted to do with him. Carstairs answered, 'Sir, you owe me money.' Mr. Kirkton asked him whom he took him to be, and told him he owed him nothing. The other replied, 'Are you not John Wardlaw?' Mr. Kirkton said he was not, and ingenuously told him who he was. Then Carstairs said, 'If you be Mr. Kirkton, I have nothing to say to you.' Then Mr. Kirkton asked him who he was. He returned he was Scott of Erkiltoun, whom indeed he did pretty much resemble; yet Mr. Kirkton knew not what to make of him, he spoke things so inconsistent. After they had been about half an hour together, Mr. Kirkton began to imagine Carstairs wanted money, and was just beginning to make some insinuations that way, when that excellent gentleman, Mr. Robert Bailie of Jerviswood, a near relation of Kirkton's, Andrew Stevenson, and Patrick Johnston, merchants in Edinburgh, having got some information of Mr. Kirkton's circumstances, and, with some difficulty having fallen upon the house, came to the door, and called to Carstairs to open, asking what he had to do with a man in a dark dungeon all alone. Mr. Kirkton, knowing the voice of his friends, took heart, and got up, saying, 'There be honest men at your door, who

will testify what I am, and that I am not John Wardlaw: open the door to them.' 'That,' says Carstairs, 'I will not,' drawing his pocket-pistol; which Mr. Kirkton perceiving, thought it high time to act for his own safety, and grasped Carstairs close in his arms: so mastering both his hands and the pistol, they struggled awhile on the floor. The gentlemen without hearing the noise, one, crying out murder, burst open the door, and parted them without the least violence to Carstairs, and as they and Mr. Kirkton were going out, they met Scott and his companion returning. Thus Mr. Kirkton escaped, but the others inclined not to quit their game so, but resolved to turn their private violence to state service, and to go straight to Hattoun, and tell their own story, who presently calls the council, almost in time of dinner, as if all Edinburgh had been in arms to resist lawful authority. When the council got together, Hattoun tells the story, as the villains had represented it to him, that some of their public officers had caught a fanatic minister, and that he was rescued by a numerous tumult of the people of Edinburgh. The council made a diligent inquiry into the matter, and could find nothing in it to fix upon. Mr. Kirkton had taken care to inform his friends that it was a real robbery they designed, and a little money would have delivered him, if he and Carstairs had got leave to finish their communing. Jerviswood was brought before them, and gave them a very candid account as above; and when the council had gone their utmost, they could find no more in it; and many of them were of opinion it were best to drop it. This bishop Sharp violently opposed, and alleged, if Carstairs were not supported and encouraged, and Jerviswood made an example, it was not to be expected any would ever prosecute fanatics, and insisted with such vehemence, that he got over the most part of the counsellors to a prosecution, and the advocate is ordered to form a libel against Jerviswood. Next council-day, June 22nd, 'the lords having considered the libel given in by his majesty's advocate against Mr. Robert Baile of Jerviswood, for his rescuing Mr. James Kirkton, and deforcing captain Carstairs, who had orders to apprehend Mr. Kirkton, find the libel relevant, and proven, by the warrant produced by the captain, and that Jerviswood is guilty of an insolent riot and deforcement, and fine him in five hundred pounds sterling, and ap-

point him to lie in prison till he pay it.' That day, I am told, the council were in a terrible rage, so that when several of the inhabitants of Edinburgh had got in to see what the council would do in so odious a case, the question was stated, whether all the people in the lobby should be imprisoned or not? They escaped confinement but by one vote. The council remit to the committee of public affairs the examination of Andrew Stevenson and Patrick Johnston, who are delated, as being art and part with Jerviswood in the deforcement; and in July they are fined, Mr. Stevenson in a thousand pounds Scots, and Mr. Johnston in a thousand marks; and they were to continue in prison till payment."

The iniquity of this proceeding was so great, and it was so apparent that it had originated in a mere attempt of Carstairs to extort money (the warrant on which he was pretended to have acted was only forged by archbishop Sharp to be produced at the second hearing before the council), that it made a strong sensation not only in Edinburgh, but throughout the kingdom. Nevertheless, so utterly did the court disregard public opinion, that it was made a pretext for ejecting from the council several noblemen who were not agreeable to the court, such as the duke of Hamilton, the earls of Dundonald and Dumfries, and one or two others, who were accused of favouring the fanatics; and even the earl of Kincardine, on the same pretence, was deprived of the secretaryship, and henceforward this latter nobleman and Lauderdale, who had hitherto been such unscrupulous allies, became bitter enemies.

The council, thus cleared of every scrap of liberality or patriotism which had remained in it, pursued its course of arbitrary persecution more energetically than ever; and they were encouraged by the readiness with which the king listened to their worst counsels. Many of the victims of episcopal tyranny had sought a refuge abroad; but the vengeance of their persecutors followed them even there, for the king had already made applications to the states-general to expel them from Holland, where they had hitherto found an undisturbed asylum, but he met with a steady refusal. The king now repeated the demand, not in general terms, but with regard to three individuals, who were peaceably residing at Rotterdam. These were, colonel Wallace, who had fought at Pentland, and Mr. Robert M'Ward and Mr. John Brown,

two ministers who had been banished from Scotland at the beginning of the king's reign. In the summer of 1676, Charles addressed a letter to the states-general, in which he demanded that these three men, as guilty of lese-majesty against the king of Great Britain, should be compelled to leave their territories, a demand to which he alleged that they were compelled to accede by the treaty between the two countries. The states-general refused; and they based their refusal upon a denial that the treaties obliged them to any proceedings against persons in the position of these exiles, at the same time requiring that a copy of the judgment by which they were now declared rebels should be sent to them. This judgment was not forthcoming, but Charles sent sir William Temple as an extraordinary ambassador to press still more earnestly his demand; and the states-general, anxious to avoid any quarrel with England at that moment, yielded to Charles's wish, but with undissembled reluctance, and not without an assertion of their own independence. In a letter to the king, written on the 22nd of January, 1677, the estates said: "We are willing to testify how sensible we are of the honour of your friendship and good will, and that we prefer it to all other considerations; assuring your majesty that we will not fail to cause the said M'Ward, Brown, and Wallis to depart within the time mentioned in the treaties from the bounds of this country. We find ourselves, however, obliged to represent to your majesty, that we believe you will agree with us that the obligation of the treaties is reciprocal, and that according to the laws of this country we cannot by our letters declare any person fugitive or a rebel, unless he has been recognised as such by a sentence or judgment of the ordinary criminal court of justice; and that your majesty could not pay any regard to any letters of ours making a similar declaration, unless accompanied by such sentence or judgment. And as thus we cannot require of your majesty to remove any one from your kingdoms as a rebel or fugitive on a simple declaration made by our letters, so we assure ourselves, sir, that your majesty will not in future require us by simple letters to remove any person from our territories, before he be declared a fugitive or rebel, according to the ordinary forms of the laws and customs of your majesty." The resolution of the states-general on the case of the three fugitives sets out still more strongly the sentiments under which they

acted, and their opinion of this act of tyranny. They there said: "It is found good hereby to declare, that although the foresaid three Scotsmen have not only not behaved and comported themselves otherwise than as good and faithful citizens of these states, but have also given many and indubitable proofs of their zeal and affection for the advancement of the truth, which their high mightinesses have seen with pleasure, and could have wished that these could have continued to live here in peace and security. Considering the risk they run, however, and considering with what pressing earnestness his majesty has repeatedly insisted, by three several missives, and verbally through his envoy extraordinary, and with great reason apprehending a breach between his majesty and these states, as sir Temple has expressed himself on the subject in terms that cannot be mistaken, they feel themselves necessitated, in order to obviate so great an evil at this conjuncture, to cause the foresaid three Scotsmen to withdraw from this country; and that consequently notice shall be given to the foresaid James Wallace, Robert M'Ward, and John Brown, in order that they may be able to avail themselves of the good intentions of their high mightinesses in having their property disposed of." Thus even this affair ended in the triumph of the episcopalians.

So confident, indeed, had Sharp's faction become in their influence at court, that they began to attack Lauderdale himself. The duke had, in the heat of his contest with the Hamiltonians, felt it politic to hold out hopes of favour to the presbyterian party, lest they should throw themselves entirely into the scale against him; and Sharp and his partisans, jealous of the slightest show of favour to their opponents, cried out that Lauderdale was treacherous to the cause of the church, and even set abroad reports that he had been bought over by his opponents. The duke at once denied that there was any compact between him and the "fanatics;" but he was so much alarmed at this episcopal movement against him, that he at once made common cause with the bishops and backed them in all their arbitrary and tyrannical measures, which he could the easier do, as he was now relieved from all fear of his opponents in parliament. Lauderdale hastened back to Scotland, and was received on the borders with servile eagerness by nearly the whole of the Scottish nobility. As the number of conventicles had been in-

creasing, and the presbyterians, despairing of any further indulgence from the government, had adopted the alternative of meeting in arms to protect their preachers, it was determined to try new measures for suppressing them, and the first was of so preposterous a character that it proved altogether impracticable. On the 2nd of August, 1677, the privy council, under the influence of Sharp and his committee of public affairs, issued a proclamation requiring all the landed proprietors, heritors, and other landowners, to enter into a bond that neither they nor their families, nor their tenants or families, nor even the servants on their estates, should absent themselves from the parish church, or be present at any conventicles, or receive or support any outed minister or intercommuned person. In the west, where presbyterianism was strongest, and where nearly seventeen thousand persons were intercommuned, even the supporters of government saw that it was impossible for any nobleman or gentleman to answer for every individual on his estate who might chance to be at a meeting, or be accused of being there, or to talk with any one who was intercommuned, and meetings were held for the purpose of expostulating with the government against the bond. These representations were so far effective, that the bond was not pressed, but the prelates were meditating a still less justifiable measure, introductory to which the cry of the church being in danger was raised louder than ever. Reports also were set abroad by the prelates of an intended insurrection in the west, and an accidental disturbance was laid hold of to give an apparent consistency to them. Captain Carstairs, who has been already mentioned as the creature of the bishops, had been busily employed for some time in committing a variety of outrages on the presbyterians in the eastern parts of Fife, where he rode about with a dozen or more horsemen, acting under the commission of the archbishop alone. In the beginning of October, he received information that some six or seven heritors, who had been intercommuned, were assembled in the house of John Balfour of Kinloch, and he immediately proceeded with his company to attack them. On their arrival, one of the gentlemen, who happened to be at the door and not expecting any attack, was fired upon without any previous warning, by the foremost of Carstairs's men, an Irish desperado

named Garret; but, the shot having failed, he shut the door and retreated into the house, while Garret dismounted to follow him. But the gentlemen in the house having taken the alarm, one of them fired out of the window and wounded Garret in the shoulder so that he fell. Carstairs and his men immediately fired in at the windows, and wounded one of the heritors slightly. The latter now sallied forth, made a brisk attack on their assailants, and put them to flight, killing one of their horses. Garret received some further sword wounds, of which however he recovered. Carstairs immediately carried information of this occurrence to the archbishop, who laid it before the council, and it was at once declared to be a high act of rebellion and a resisting of lawful authority. This happened at a conjuncture when the bishops on one side were seeking some new occasion to misrepresent the presbyterians, and when the king, acting with Lauderdale and the duke of York and under French influence, was anxious to find an excuse to keep up a standing army in England for the purpose of crushing the liberties of his subjects, and Lauderdale proceeded to London towards the end of October, and there, it is said, obtained the king's approval for employing the savage highlanders against the presbyterians in the west of Scotland.

The council in Scotland, meanwhile, had been pursuing measures which were evidently intended to seek excuses for this violent project, or at least to cover their plans and deceive the people. On the 17th of October, they addressed the following letter to the earls of Glencairn and Dundonald and the lord Ross:—"My lords, there having been frequent informations sent in here, of extraordinary insolencies committed not only against the present orthodox clergy, by usurping their pulpits, threatening and abusing their persons, and setting up of conventicle houses, and keeping of scandalous and seditious conventicles in the fields, the great seminaries of rebellion; but likewise of the great prejudice that is like to arise to his majesty's authority and government, and to the peace of the kingdom in general: we did therefore think it necessary, in a frequent meeting of council this day, to require your lordships to send particular expresses with sure bearers, to call together the commissioners of the excise and militia and justices of the peace, specified in the list here en-

closed; and when they meet at Irvine, the 2nd day of November next, that you seriously represent to them, how highly, in his majesty's name, we resent the foresaid outrages and affronts done to the government in the shires of Ayr and Renfrew, which have been frequently represented to be the most considerable seminaries of rebellion in this kingdom; though none hath more eminently tasted of his majesty's clemency, nor hath his majesty indulged any shire so much as these: and albeit his majesty's service, and the quiet of the kingdom, would require such severe courses to be taken for curbing those insolencies as might very much prejudice (*prejudice*) the heritors of those shires, yet his majesty and council being further desirous to make them inexcusable, and to the end that the kingdom may see that the prejudice of heritors shall arise from their own negligence; therefore, we thought fit, that the foresaid persons should be called together in a meeting, and under characters allowed for that effect by act of parliament, that they may deliberate upon and take such effectual course in the affairs of the said shires, and for quieting the same in obedience to his majesty's laws (which are the true and only rule of loyalty and faithfulness), as may prevent the necessary and severe courses that must be taken for securing the peace in those parts; in which if they fail (which will be thought strange, where there is no force to oppose them), we are fully resolved to repress by force and his majesty's authority all such rebellious and factious courses, without respect to the disadvantage of the heritors, whom his majesty will then look upon as involved in such a degree of guilt as may allow the greatest degree of severity as may be used against that country. So expecting you will represent this to the meeting, and that they will show their ready compliance, we are, your lordships, &c." Before the persons thus called upon could hold their meeting in obedience to the council, the latter body, on the 1st of November, under the pretence that they had received information of some growing disorders and insolencies in the western shires, drew up a proclamation, to the effect that, in case of an insurrection, the nearest highlanders should be ordered to meet at Stirling, and letters were directed to be written to noblemen and gentlemen, ordering them to have their vassals and tenants ready to respond to the first summons which should be addressed to

them. It was further thought fit that arms and ammunition should be sent to Stirling; and the forces at Glasgow were ordered to Falkirk, and their numbers at the same time to be completed by new levies, while other troops which had been ordered to the highlands were countermanded. On the 2nd of November, the heritors who had been summoned in accordance with the letters of the privy council, met at Irvine, and after considerable discussion, they joined unanimously in three resolutions:—"1st. That they found it not within the compass of their power to suppress conventicles. 2ndly. That it is their humble opinion from former experience, that a toleration of presbyterians is the only proper expedient to settle and preserve the peace, and cause the foresaid meetings to cease. 3rdly. That it is their humble motion, that the extent thereof be no less than what his majesty had graciously vouchsafed to his kingdoms of England and Ireland." These resolutions were sent, with the warmest professions of loyalty, to the three noblemen to whom the council's letters were directed, and who attended at Irvine during the meeting; but they, knowing how unpalatable they would be to the council, declined receiving them. The gentlemen who composed the meeting, however, refused to alter their resolutions, and it broke up without any further result.

The three noblemen now returned the following letter to the council, which was read in a meeting held on the 8th of November:—"My lords, we received the council's order on Sunday last at night, and used all dispatch in sending expresses, and went to Irvine yesterday morning, being Friday November 2nd, where we were very frequently (*numerously*) met by all who were advertised, to whom we communicated the council's letter to us, desiring them seriously to deliberate thereupon, and to take such effectual course for quieting these shires, in obedience to his majesty's laws, and suppressing the disorders therein committed: which they took to their serious consideration, and continued together yesterday, and much of the night, and made their report to us, that after the consideration of the whole affair, it was not in their power to quiet the disorders; which they desired us to communicate to your lordships. We are, your lordships, &c." The lords of the council professed to be highly indignant at this reply, and they now made no secret of their design of raising a large body of highlanders,

who were dreaded everywhere for their barbarity and propensity to rapine, and letting them loose upon the western counties; and they proposed to join with them some of the standing militia. They had not yet received the final orders from court for the carrying out of this design, but they made so sure of them, that they hastened their preparations for carrying them into execution with as little delay as possible. On the 6th of December, letters were sent by the council to the earls of Huntley, Perth, and Airly, directing them to put their men in a posture of marching, that they might be in readiness to obey their call. It was not till the 20th of December, that the king's letter arrived, but it was full and unambiguous, and gave perfect satisfaction to the primate and his friends. The king approved of the council's plan for bringing in the highlanders, and gave them the most extensive powers to proceed against the western shires as they might think best. On the 26th, the commission for raising the highlanders was signed by the privy council, and directed to the principal noblemen in the north, who were commanded to "convocate" and raise the highlanders within their bounds, and to be with them at Stirling on Thursday, the 24th of January, and in their march thither they were "to take quarter for their money, and to force quarter for their money, in case the same shall be refused: and when they are arrived at the town of Stirling, the day foresaid, we hereby command him and them to obey such orders as shall be sent from our privy council, their committee or such person or persons as we or the said lords of our privy council shall commissionate to command our forces, and to march under their command wherever they shall be ordered: on which march, we hereby authorise them to take free quarter, according as our privy council or their committee shall think fit to order, and, if need be, to seize on horses for carrying their sick men, ammunition, and other provisions; and for their encouragement, we hereby indemnify them against all pursuits, civil or criminal, which may at any time hereafter be intended against them, or anything they shall do in our service, by killing, wounding, apprehending, or imprisoning such as shall make opposition to our authority, or by seizing such as they have reason to suspect, the same being always done by order of our privy council, their committee, or of the superior officer; and particularly we do

hereby give them all such power and indemnity as is usual and necessary for such forces as are raised by authority, or are at any times commanded to go upon such military expeditions." Under this commission, the army which was popularly known as the "highland host," prepared to march into the western counties. The principal chiefs who were called out were the marquis of Athol, and the earls of Mar, Murray, Caithness (the laird of Glenorchy), Perth, Strathmore, and Airly, and at Stirling, on the day appointed, they were joined by the regular forces under the earl of Linlithgow.

These preparations alarmed the leading gentlemen of the west, who consulted together and resolved to go up to court and lay the real state of affairs before the king. But Lauderdale immediately put a stop to this, for, besides addressing letters to particular individuals ordering them to attend upon the army, he procured, on the 3rd of January, an act of council forbidding all noblemen, gentlemen, and heritors, to leave the kingdom, without the express permission of the council, under the highest penalties, and requiring all between sixty and sixteen to hold themselves in readiness to join the army when called upon. A new bond was now sent out by the council, which the heritors and others were required to sign, and in some parts this bond was accepted rather than risk a visit from the "highland host." So determined were the council to strike terror into the whole population by their formidable preparations, that on the 15th of January they ordered a train of artillery to be transported from Edinburgh to Linlithgow, from thence to Kilsyth, and finally to Glasgow. On the 18th of January, the council appointed a committee of their number to attend and go along with the army, and this committee received a very extensive commission and very large powers. The names of its members were the marquis of Athol, the earls of Mar, Murray, Glencairn, Wigton, Strathmore, Linlithgow, Airly, Caithness, and Perth, and the lord Ross. Of these eleven, nine were commanders in the army, of which the committee was to authorise the proceedings, so that in fact it was equivalent to placing the country absolutely at the discretion of the military.

The nobility and gentry of the county of Ayr met, and, anxious to avert the impending calamity, appointed a deputation to proceed to Edinburgh and expostulate with the council. They were to represent the

peaceableness of their county, and that "albeit their people were indeed addicted to conventicles, and thought they had principle and solid reason for so being, yet this was only in those parishes which were denied the benefit of the indulgence; and that not only in their shire, but likewise in the better part of the kingdom, the same mild course which his majesty had taken with his other kingdoms would certainly prove the most infallible means to put a period to these alleged disorders; which, even yet, they were not without hope to attain from the benign disposition of their prince, and their lordships' intercession; that finally, as they were not conscious to themselves of a disloyal thought, so they could not discern the least tendency in the people to disorder or rebellion; and therefore humbly they deprecate that severe procedure of sending among them so inhumane and barbarous a crew." On their arrival in the capital, the duke of Lauderdale manifested his high displeasure by refusing to receive the deputation or any message from them. They at last obtained leave to make a proposal that the standing army alone should be employed to enforce the law (for they had dreadful reminiscences of the ravages of the highlanders under Montrose), and they offered in this case to make themselves answerable for the peace of the whole shire, but this proposal was peremptorily rejected. They were then told by the council that nothing would satisfy the court except their immediately signing the bond and engaging themselves for the rest of the heritors to do the like. This the gentlemen composing the deputation refused to do; which put the duke of Lauderdale in such a "frenzy," that, as he stood at the council table, he bared his arms above the elbows, and swore by Jehovah he would make them enter into these bonds, whether they would or no. "These things," Burnet remarks, "seemed done on design to force a rebellion, which they thought would be easily quashed, and would give a good colour for keeping up an army. And duke Lauderdale's party depended so much on this, that they begun to divide in hopes the confederated estates among them, so that on Valentine's day, instead of drawing mistresses they drew estates, and great joy appeared in their looks upon a false alarm that was brought them of an insurrection, but they were as much dejected when they knew it was false."

Upon the 24th of January, "The northern army—[we quote from Wodrow]—rendezvous at Stirling, where, besides other pieces of rudeness, they raised fire more than once. The earls were their colonels when regimented; their lairds and chieftains were their captains; their adherents and friends, under-officers; and the very scum of that uncivilised country were their common soldiers. These, with the Angus militia, and some gentlemen from Perthshire, march from Stirling the 25th, and with the regular forces they are all at or about Glasgow the 26th. Their numbers were as follow:—About a thousand foot of regular forces; the Angus militia and Perthshire gentlemen about two thousand two hundred; and of the highlanders about six thousand; the horse guards were eight score, and five other troops of horse, beside the several retinues of the lords of the committee and others waiting on; and a vast number of stragglers who came only for booty and plunder; so that, by an easy calculation, they may be reckoned ten thousand in all. They had no small store of ammunition with them, four field pieces, vast numbers of spades, shovels, mattocks, as if they had been to have attacked great fortifications. They had good store of iron shackles, as if they were to lead back vast numbers of slaves; and thumb-locks, as they call them, to make their examinations and trials with. The musketeers had their daggers so made, as, if need were, to fasten upon the mouth of their pieces, and maul horses, like our bayonets, not yet brought to perfection. In this posture came they west."

As soon as the highland host was thus assembled, the council began to adopt new and more arbitrary measures. At the beginning of February, they issued two proclamations, one forbidding all landlords or masters to receive upon their estates or into their employment tenants or servants who had not taken the bond; and the second forbidding the harbouring or rescuing of tenants or cotters who refused it. As these proclamations failed in producing the effect intended, the council hit upon a new means of oppression. When an individual felt himself threatened with personal violence from another individual, he obtained against him a writ of lawburrows, which obliged him to give security for keeping the peace. A writ of lawburrows was now issued at the suit of the king against his subjects, and all whose peaceableness the court thought fit to

doubt were required to give security for themselves, wives, children, and tenants, in terms of the bond, and under the penalty of double their yearly rents, and any other punishment the council judged right to inflict. They were further ordered to comply with these orders within six days after the charge was given, or be declared rebels.

Meanwhile the ravages of the highlanders were of the most destructive kind. "It may be observed," Wodrow, on good information informs us, "that the soldiers and highlanders, both in and about Glasgow and the shire of Ayr, behaved with that exorbitant rudeness and insolence, as could not have been expected from a conquering enemy. To say nothing of the free quarters taken, not only by the highlanders, as soon as they came to Stirling, but even by the standing forces, who every day received the king's pay, whithersoever they went to the westward of Glasgow, and also by the Angus militia, when the three weeks were out for which their shire had advanced them pay: these I pass, because their commission may seem to countenance them in them, and come to some other of their odd practices. The avowed disobedience of the common sort to their leaders and commanders deserves our notice, both as a proof and the fountain of their unaccountable carriage. Very often they would peremptorily refuse to take the quarters allotted to them, or to do anything else that went cross to their own barbarous humours; and ordinarily they would come in multitudes, sixty, seventy, or eighty together, not only to gentlemen's houses, but to those of tenants and cotters; yea, that length some of them came, as to present daggers to the breasts of some of their officers, when required to restore goods to such whom they had unjustly plundered. When this was often and openly done, the reader will guess what was to be expected from a host where every mean rascal who had impudence enough, demeaned himself as an insulting tyrant, without any possible check. Further, these people not content with free quarter (which was illegal, and used to make people strain themselves beyond their power, to satisfy their unreasonable demands), they openly robbed, upon the high road and in houses; some they stripped naked, when several miles distant from their houses, and many at and in their houses, and everywhere took from the country-people pots, pans,

wearing-clothes, and everything which had been made for them, and money wherever they could reach it; and under all none durst complain: when any offered but to do it, they were knocked down and wounded, and the whole neighbourhood was dealt the worse with upon that account; yea, people saw it was needless to complain. And as if all this had been but little, they pillaged houses, and that even in towns privileged with protections; others in the country they broke in upon, and rifled and killed their cattle, far beyond what they made use of for their provision. In some places they tortured people, by scorching their bodies at vast fires, and otherwise, till they forced them to discover where their money and goods were hid to avoid their thievish hands; and drove away vast multitudes of horses, first in their march westward, to carry the ammunition and royal artillery, as was pretended, and then in their return, to carry away their baggage, spoil, and plunder. The loss by all this cannot be computed in any exact way. Again, those scoundrels, as if they had been possessed of the power of king and parliament, without any warrant, imposed their tribute in several places, and threatened the burning of houses, and worse, if they were denied; a crime much worse than that which in our law is termed, with relation to the highlands where it is used, 'black mail,' which is punishable with the pains of theft and robbery. The meanest straggler exacted his sixpence a-day, and the modelled forces their shilling or mark Scots a-day, and their subalterns, captains, and leaders, their twenty-pence, half-crowns, and crowns, as they pleased to require; and the poor country-people were forced to find it or borrow it for them. This was generally practised by highlanders, besides their free quarter. Over and above all this, some poor families were constrained, merely to gratify them in their excesses, in a few days to expend thirty or forty shillings sterling for brandy and tobacco to them. It was a common practice with them, to go from their quarters and purchase their own victuals, and at their return to compel their proper landlords to give money for their absence and pay for what they bought; yea, to pay for the blank men who were not in their company, but they pretended should have been with them. In other places they taxed and cessed the land, at the rate of a penny halfpenny a-day the acre; and instances can be given where one small com-

pany this way gathered eleven pounds sterling at one, another sixty dollars; and in the corner of one parish there was advanced six score of dollars in a night or two, to satisfy this lawless and exorbitant charge; and, lastly, after they received this dry quarter, as they called it, the poor people gave seven score of dollars to save them from plunder, and yet at their removal the place was plundered after all. To crown all, it is well known these vile miscreants, openly in cities and towns, offered to commit rapes, and it is fit to draw a veil over their excesses of unnatural and horrid wickedness up and down the country. I likewise pass the woundings, beatings, and cutting off fingers and hands, of which I find some complaints tabled before the committee, and satisfaction promised; and it is certain all these and many other enormities were done without the least punishment, unless it were a night's detention in the guard sometimes. Yea, too many of their leaders and officers, captains, and field officers also, were their encouragers and partakers with them in those villanies. One of their prime commanders was heard, upon the head of a discontented regiment, not only to enjoin them to take free quarter, and whatever else they need, but, after many fair promises, providing they would stay and not quit the service, he gave them so vile and lewd an advice, that I shall not repeat it."

The sums of money taken from the people in the west in this manner were very great, but as much more was destroyed than taken, the exact loss could never be estimated. The whole proceeding was so disgraceful, and cast so much odium on its authors, that something like a feeling of shame obliged them to put an end to it. "Experience let our managers see, that the west country would neither sign the bond, nor yet rise in arms, as the prelates expected, but were patient under all the arbitrary courses taken with them; and some of them began to be ashamed they had tried an experiment, as ineffectual for its designed end, as odious in itself; and as it was never tried before, so I hope it shall never be attempted afterwards. So after the highlanders had wasted the country, though they liked their quarters very well, yet they marched off, except five hundred, who, with the Angus militia and standing forces, continued till the end of April, when orders came to dismiss them. When the highlanders went back, one would have thought they had been at the sacking

of some besieged town, by their baggage and luggage. They were loaded with spoil; they carried away a great many horses, and no small quantity of goods out of merchants' ships, whole webs of linen and woollen cloth, some silver plate bearing the names and arms of gentlemen. You would have seen them with loads of bed-clothes, carpets, men and women's wearing-clothes, pots, pans, gridirons, shoes, and other furniture, whereof they had pillaged the country; and two of their colonels, Airly and Strathmore, are said to have sent home great sums of money, which could not all be the produce of their pay; and no great wonder, when, from one country parish by calculation it was found that one way and another a thousand pounds sterling had been exacted and got. In their return homeward, they continued to take free quarter, and this without restraint, except that now and then a few country-people, without arms, would set upon some of them, after they were disbanded, and retook their own goods, without taking anything but what belonged to themselves. I am further told by one who was present, that the students at the college of Glasgow, and other youths in town with them, stopped the bridge of Glasgow, the river being high, against near two thousand of them; neither did they permit them to pass, till they had delivered the spoil they carried with them, and only forty of them were allowed to pass at once, and conveyed out at the west port, and not suffered to go through the town; that the custom-house was near-by filled with pots, pans, bed-clothes, wearing clothes, rug coats, gray cloaks, and the like; but, unless it was in the parish of Campsie, where one of the highlanders was killed, I do not hear of any other resistance made anywhere."

Immediately after the calling in of the highlanders, the council, apprehensive that some of the noblemen or others might repair to England and make a true representation of the state of affairs to the king or to the people of that kingdom, sent forth a proclamation, forbidding any nobleman or gentleman, under the most severe penalties, to quit the kingdom. Nevertheless, some persons of influence had made their way to court, and archbishop Sharp's faction appear to have been alarmed, for on the 26th of March the council sent two of their number, the earl of Murray and the lord Collington, in haste to the king, with the following letter:—"May it please your majesty, The insolencies committed against your majesty's authority,

which, after express warrant from your majesty, forced us to arm such of your subjects as were pleased to offer themselves, did also oblige us to emit a proclamation, discharging all noblemen, gentlemen, heritors, and magistrates of burghs, to depart forth of this kingdom, without license from your majesty's privy council during that service only; which proclamation is suitable to your laws and the constant practice of council, and was necessary upon this occasion to prevent the departure of such as probably might disappoint any security that was to be demanded of them for securing the peace of this kingdom, or any assistance that might be craved from them in this your majesty's service, and to which they are liable by the express laws of the nation. Notwithstanding whereof, we have good reason to believe, that after our endeavours were ready to have attained the wished-for effects, some of those who were obliged to concur in prosecution of your majesty's commands, as being sheriffs, and enjoying other offices under you, have not only refused to take the bond offered in your name, and by warrant from your letter dated December 11th, or to secure the peace, being charged upon their refusing the bond; but have, with much noise and observation, gone to England, in contempt of your proclamation, without seeking any license from your council, as others did, and as the proclamation required, and which was never refused when desired by any of your people on good reasons; by which your majesty's authority, in your council (which is the great source of your government here) is highly contemned, not only in this instance, but in the preparative; and your people diverted in their present obedience, in expectation of such alterations as are promised by those bold undertakings; some being induced to believe, that none durst attempt that which none of your people ever formerly did, without extraordinary assurances: But we who remember, with much gratitude, with how much firmness your majesty hath owned us, and all your other judicatories (who having no design but what may tend to secure your throne and people); do, with all humble confidence, expect that your majesty will, by your princely care and prudence, discourage all such endeavours as tend to enervate your royal authority, and affront your privy council. In pursuance of this our duty, and to prevent such ill conse-

quences as might ensue on this new and dangerous preparative; we have sent two of our number to give your majesty a most exact account of what is past, and who might satisfy such doubts as might occur to your majesty, in which you could not so well be satisfied by letters; and the earl of Murray having been constantly present in the committee in the west, and the lord Collington in all the meetings and committee here, and both being of a known integrity and ability, we hope may be fully able to confute easily such unworthy mis-reports as others have choosed to raise now, as formerly, at a time when your majesty is like to be engaged in foreign war, and hath assembled your parliament of England. These reflections on their procedure, and the remedies thereof, are, with all submission, left and expected from your majesty."

The proclamation forbidding noblemen and others to quit the kingdom was followed by another forbidding all noblemen and gentlemen to approach the capital, which of course had the same object of hindering personal complaints or expostulations. Proceedings like these could not be otherwise than galling to the nobles of Scotland; to whatever degree they might have lost the independent spirit of their forefathers, and while many acquiesced in silent discontent, there were a few who resisted as far as they dared the arbitrary mandates of the council. Among the latter was the earl of Cassillis. Having declined to take the bond or comply with the letters of lawburrows, the council proclaimed him a rebel. He went to Edinburgh to justify himself, but was met by the proclamation forbidding noblemen or gentlemen to repair to the capital; upon which he disregarded the previous proclamation, and hurried to London, where, through the influence of the duke of Monmouth he obtained access to the royal ear. The king requested him to put down his complaints in writing, and with all the dangers which at that time attended upon such a document, he courageously placed his signature to the following statement, which will give the best narrative of his case:—

"The marquis of Athol, earls of Mar, Murray, Perth, Caithness, Strathmore, and others, having been empowered by his majesty's privy council, to raise and convocate the highlanders within their respective bounds, as also their whole vassals, and all others under their command, and to march to any place where the council or committee

thereof should command them, and in their march they were ordered to take free quarters, and were indemnified for what they should do, by killing, wounding, apprehending, or imprisoning such as should make any opposition, or such as they should have any reason to suspect; as by a commission given to each of them from the privy council, dated the 26th of December last does fully appear. This commission from the privy council, in so far as the same doth order the taking of free quarters, the earl does humbly conceive to be expressly contrary to the 5th act of his majesty's first parliament, wherein it is declared, 'That his majesty's subjects shall be free from provision and maintenance of any armies and garrisons which shall be raised and kept in the country.' The earl of Strathmore and others being warranted by their commission to convocate the militia in the shire of Angus and to march with them into the west country upon free quarter, this accordingly was done; notwithstanding by the 25th act of the third session of his majesty's first parliament, the militia forces are to be furnished with forty days' provision from the shires out of which they are raised, and the country to be free of all other charge for their maintenance. A letter of the 3rd of January following, at the command of the privy council, was sent by the duke of Lauderdale to the earl of Cassillis, as bailie principal of Carrick, to attend the committee of council at Glasgow, the 26th of that month, and to receive and obey the orders of the committee. In obedience to which he did attend at the time and place appointed. The lords of the committee, by their order at Glasgow, the 29th of January, commanded him, as bailie principal of Carrick, to receive from all persons in whose hands the militia arms were, the whole militia arms of the bailiary, as swords, pistols, holsters, &c.; and all heritors, life-renters, and others, were to bring with them their tenants, cotters, and servants, with their arms of all sorts, musquets, pistols, swords, pikes, halberts, lochaber-axes, dirks, and whingers, to be delivered upon oath to such as the major-general should appoint, in the presence of the earl of Cassillis or his deputed; and whosoever should not give up their arms upon oath, should be quartered upon: an account whereof he was to return at Ayr, the 7th of February following; which was done accordingly. The lords of the committee at Ayr, by their

warrant of the 7th of February, did order and command the earl of Cassillis to destroy and demolish the meeting-houses within the bailiary of Carrick, and to raze them to the ground, or to destroy or burn them; and to make a strict and exact inquiry into the persons who built them; or had been actors and abettors thereof, and whose grounds they were built upon; all which he did accordingly, though the lords would not allow him any of the standing forces nor the gentlemen his friends to go along armed to assist him. But when he gave the lords an account that he had demolished and razed them to the ground, they did, by a new warrant under their hands, command him to bring back the timber of these meeting-houses to the same place where they were built, and to cause cut it to pieces, and there to burn the same to ashes; which accordingly he caused do. The lords of the committee, by their letter from Ayr of the 9th of February, did ordain the earl of Cassillis to publish with all expedition their proclamation at the market-cross of Maybole, being the head burgh of that bailiary, and upon the next Sabbath-day at the several parish church doors within the same, requiring and commanding all heritors, life-renters, and others, of the said bailiary, to appear before the lords at Ayr, the 22nd of February next following, to subscribe such bonds as the committee should appoint; which proclamation was published accordingly. Yet, notwithstanding the earl of Cassillis had given ready and entire obedience to all the orders and commands of the committee, upon the 10th of February, that is, twelve days before they were commanded to appear, fifteen hundred men were sent upon free quarter into the jurisdiction of Carrick, most of whom were quartered upon the earl of Cassillis's estates; whereby not only free quarters, but dry quarters, plundering, and other exactions, many insolencies and cruelties have been committed, too tedious and lamentable to report; of all which proceedings he gave an account by letters unto his grace the duke of Monmouth. Upon the 22nd of February, the earl of Cassillis, in obedience to the proclamation, together with all the heritors, life-renters, and others, did appear at Ayr, and a bond being tendered to him to be subscribed, obliging him that his whole family, tenants, and cotters, and their respective families, should abstain from conventicles, nor should reset, supply, or com-

mune with forfeited persons, intercommuned ministers, vagrant preachers, but should endeavour to apprehend them; and in case their tenants and others should contravene and be guilty, they were to be presented to the judge ordinary, or they were to be removed off the ground; and if he should fail in any of these particulars, he should be liable to the same penalties the delinquents had incurred. Which the earl of Cassillis denied to subscribe, conceiving, as the bond was founded on no law, so it was impossible for him to perform; and that such practice was contrary to the laws and customs of all other nations. Whereupon a libel was given in against him, at the instance of his majesty's advocates, charging him to appear the 23rd of February, before the lords of the committee, under the pain of rebellion, for being at conventicles, and other crimes of a very high nature, and was to give his oath upon the verity of the libel; who accordingly did appear, and upon examination he did depone negatively, only, if there had been any conventicles upon his ground, or if his tenants had been at them, he knew no further thereof than by hearsay, he himself swearing he never saw any such conventicles nor any of his tenants present at them. At that time also the lords of the committee did issue out another proclamation, commanding all noblemen, heritors, and others, who would not subscribe the bond, to sell off and dispose all their horses which were above the value of four pounds sterling price, before the 1st of March next ensuing; and in case any horse above that value were found in any of their possessions after that time, they should not only lose the horse, but forfeit the sum of one hundred pounds Scots money. Immediately upon his refusal to subscribe the bond, notwithstanding that he had cleared himself by oath of all the crimes laid to his charge, the lords appointed a messenger to charge him with letters of lawburrows, to enact himself in the books of the privy council, that his wife, children, men, tenants, cotters, and servants, should not go to conventicles, and other disorderly meetings, under the pain and penalty of double his valued yearly rent; and in case of failie (*failure*), he was to be denounced rebel within six days. Upon which he wrote to the lords of the committee, to entreat their lordships for a week's continuance (*prolongation of the time*); but the lords did refuse to grant him such a favour. Whereupon he did imme-

diately repair to Edinburgh, to attend the privy council, and to offer them all possible satisfaction, according to law; but upon his coming there, a proclamation was issued forth, commanding all noblemen, heritors, and others of the west country, to depart out of Edinburgh within three days to their own houses; before which time he was actually denounced rebel at the market-cross of Ayr, being the head burgh of the shire, and letters of caption issued forth against him, for apprehending his person. Whereupon, finding himself in so great a strait, and his case being brought to such an extremity, and not knowing how to find a remedy in Scotland, and being assured many of these proceedings were illegal, and not warrantable either by the statutes or customs of the kingdom of Scotland, he thought it his duty to repair to his sacred majesty, as being the fountain of justice, and to whose sentence and determination he is content to submit his life and fortune; being assured in his own conscience, that he has not nor ever shall knowingly violate any of his majesty's laws or commands; and therefore humbly implores his majesty may be pleased to consider his case, and to examine how far these proceedings against him and his tenants, and the usage he hath met with from the insolence of the highlanders and others, are warranted by law and customs of the kingdom of Scotland.—CASSILLIS."

The spirited conduct of the earl of Cassillis found imitators in the duke of Hamilton and about sixteen other noblemen, and upwards of forty gentlemen, who disregarded the proclamation forbidding them to leave the kingdom, and proceeded to London. It was this which gave the alarm to the privy council, and caused them to send up the earl of Murray and lord Collington with the letter to the king we have already given above. The king at once indulged them by approving their proceedings, but he was embarrassed by the complaints of the noblemen and others, who had now been joined by the earls of Athol and Perth, two of the commanders in the "highland host," and he was obliged to give some attention to them, the more so as their presence in the capital and its cause was producing a powerful effect in England. The parliament of England was then sitting, and alarmed at the arbitrary proceedings in the north, which they looked upon as the precursors to similar outrages on their own liberties, they again

petitioned that the duke of Lauderdale might be dismissed from the king's councils, and expressed in very decided terms their disapprobation of the course pursued by the government of Scotland. Charles would listen to no complaints against Lauderdale, to whom he gave the fullest protection, but he thought it necessary to do something towards appeasing the threatened storm, and he wrote to the privy council of Scotland, "that he had considered the representations made to him by some of his subjects anent the late methods with the west country, with the answers and replies, which so fortified the representations, that he resolved to hear and consider things fully; but, in the meantime, commanded that the lawburrows be suspended till his further pleasure should be sent, and that all the forces except his own guards should be disbanded." The astonishment of the council on receiving this message was very great, for they expected that they were going to receive full encouragement and impunity in the course they were running, and they had never supposed but the earl of Cassillis would have been sent back at once to Scotland to be put upon his trial. In all haste, sir George Mackenzie was dispatched to court, with instructions to urge upon the king the danger likely to arise from the ill-timed interference of these noblemen in the proceedings against the "fanatics." His representations went so far, that the king was persuaded, though only with great difficulty, to admit the duke of Hamilton and as many of the other noblemen as their patience and means had allowed to stay with him to an audience. They were then told that they had been guilty of contempt of the royal authority in leaving the kingdom contrary to the proclamation of the privy council. They replied to this that it had ever been the privilege of the Scottish nobility to approach the throne freely, and that there was never a greater necessity for their doing so than at the present moment; when, in a time of profound repose, a host of barbarians had been introduced to press illegal bonds and to exercise all the atrocities of war on a peaceful people. "Despairing to obtain any redress," they said, "or to be allowed to pursue measures which, in their opinion, would have preserved and would still restore tranquillity to their distracted country, represented as disloyal only by the foulest calumny, had now repaired to the royal presence as their best refuge, and implored from his majesty's

justice more lenient and legal treatment." The envoys of the Scottish privy council pretended that they had gone no further than was necessary to prevent a rebellion, which was on the point of breaking out, talked of the exemplary moderation of the highlanders, and said that they had been obliged to have recourse to them only because the noblemen who were now complaining had neglected to do their duty. The noblemen, in answer to this, described the enormities of the case in such terms, that the king himself was moved to say more than once that these were horrid things indeed, but under cover of this apparent commiseration, he tried insidiously to get them to set their grievances down in writing, and under their signatures. They required a security that this paper should not be made use of against them, if they gave it in, but the king only offered them the word of a prince, and they declined. When they were about to retire, the duke of Hamilton dropped on his knee and requested to be allowed to kiss the king's hand, which was refused, Charles putting both his hands behind his back, that he might not be able to reach them; and he stood in this posture till their departure. Three days afterwards, on the 28th of May, he wrote the following letter to the privy council of Scotland, which shows how little those who in any way resisted the arbitrary proceedings of the court had to expect:—"Charles R. Right trusty; &c. We greet you well. The inclination we have to distribute justice equally to all our subjects, and the desire we have to vindicate the honour of our privy council, did prevail with us to hear what could be said against some late proceedings in that our ancient kingdom, for repressing field conventicles and other disorders; and now, after full information from such as were authorised by you to attend us, and hearing such as pretend they were injured, we do, as formerly; fully approve your proceedings; and the rather that, after trial taken by us, we find that such as complained refuse to sign any complaint against those proceedings as illegal. We have thought fit for obviating such clamours for the future, to declare that we are highly dissatisfied with such as have caused these clamours, and that we will, on all occasions, proceed according to our laws against such as endeavour to lese our prerogative, oppose our laws and our privy council. We do also recommend to you to take all such legal

courses as may maintain our authority, secure the peace of that our kingdom, and support the government of the church, as it is now established by law. In doing whereof, you may rest fully assured of our assistance and protection upon all occasions: and so we bid you heartily farewell. Given at our court at Whitehall, the 28th of May, 1678, and of our reign the thirtieth year. By his majesty's command.—LAUDERDALE."

For some reason or other, amid all these threatening circumstances, the hopes of the presbyterians were raised, and they believed that now the king had heard the truth from the Scottish noblemen, he would grant them indulgence. The consequence was a great and sudden increase of conventicles, and many of the highlanders, chiefly in the county of Perth, began to follow the example of their southern brethren. Exaggerated reports were, as usual, sent by the privy council to the king, which produced a letter in the following terms, dated on the 7th of May:—"Charles R. Right trusty, &c., we greet you well. After full and satisfactory information from the lords commissionate by you here, of what hath been done by you in our service, we do again approve of your proceedings and your care, assuring you of our favour, assistance, and protection, upon all occasions: and for the more effectual demonstration thereof, we find it necessary to signify to you, and by you to our people there, that we are firmly resolved to own and assert our authority, so as it may equally encourage you, and discourage all such as by seditious practices endeavour to asperse you and lessen our authority and prerogative: and finding by good information that the fanatics there, expecting encouragement from such as oppose you, and taking advantage of the present juncture of affairs here, have of late, with great insolence, flocked together in open and field conventicles, those rendezvous of rebellion, and have dared to oppose our forces. Though we neither need nor do fear such insolent attempts, yet, from a just care of our authority, and kindness to our subjects there, we have thought fit to order some more forces to be levied, and for that effect we have commanded the lords of our treasury to take an effectual course for providing what money we shall find necessary for raising and maintaining those troops at our charges. We shall expect a speedy and exact account of what number and quality of troops may be neces-

sary upon this occasion, to the end we may direct commissions, and give such orders as we shall find requisite; and for doing this, this shall be your warrant. And so we bid you heartily farewell.—LAUDERDALE."

This proclamation was soon followed by another measure tending to the same object. It was considered right that the Scottish people should pay for the instruments oppressing them, and at the same time it seems to have struck the state managers that the moment when so many of the most influential leaders of the opposition were absent in England, might be seized with advantage to hurry through the elections of the estates in the interest of the court. Accordingly, on the 28th of May, there appeared a proclamation from the king announcing that, "the great kindness we bear to that our ancient kingdom hath at all times inclined us to be very watchful over all its concerns, and considering that all kings and states do at present carefully secure themselves and their people, by providing against all such foreign invasions and intestine commotions as may make them a prey to their enemies, and that it is not fit that that our kingdom should only of all others remain without defence, especially at a time wherein those execrable field conventicles (so justly termed in our laws the rendezvous of rebellion) do still grow in their numbers and insolence; against all which our present forces cannot in reason be thought a suitable security. Therefore, and that we may be the better enabled to raise some more forces, for securing that our kingdom against all foreign invasions and intestine commotions, and to maintain them in the most equal and regular way, and let the world see the unanimous affection of our people to us, we have thought fit to call a convention of the estates of that our ancient kingdom, to meet at Edinburgh upon the twenty-sixth day of June next to come." The elections were carried entirely to the satisfaction of the court, and when the estates met, the representatives vied with each other in the extent of their servility. It was agreed that five thousand foot and five hundred horse should be raised, and a grant of eighteen hundred thousand pounds Scots, to be raised in five years by a cess, was voted for their support. At the same time the convention passed a strong declaration of their devoted loyalty and of their confidence in Lauderdale and approval of his government.

Out of doors, this cess was looked upon with great dissatisfaction, for it was well known that the greater part of the money was to be distributed among the creatures of the court, who were to have commissions as the officers of the new levies. Among the presbyterians, the cess gave rise to an unexpected and an injurious division. As the act stated that the money was raised for the sole purpose of suppressing conventicles, which was equivalent, in the opinion of the presbyterians, to suppressing the preaching of the gospel, the more zealous of the ministers, and especially the younger men, thought that the payment of the cess ought to be resisted. Many, however, of the older and more experienced, who were joined by all those who had accepted the indulgence, thought, on the contrary, that the cess ought to be paid quietly, because, as a forced exaction, it could not imply a voluntary assistance to the enemies of the gospel, while resistance would only expose them to greater and unnecessary severities. At all times like this we are describing, there are those who seek persecution, and those who, with equal sincerity in the cause, are willing to avoid it; but there were in this case some who wished to steer a middle course, and proposed that they should pay the cess, but under a protest that they did not give it intentionally for the raising of the soldiers, but merely in accordance with Christ's injunction to render unto Cæsar the things which were Cæsar's. These formed but a small party; but the dispute itself led to a degree of disunion which was prejudicial to the cause of the presbyterians.

The prelates now had everything their own way, and the committee of public affairs proceeded in such a manner that it has been not inaptly compared to the committee of public safety of the French revolution. It was actually made criminal to be suspected of being suspected, and it was ordered that if any number of persons were found together in the fields anywhere near where a conventicle had been held, or was going to be held, such persons should be arrested and considered as attending on the conventicle. The sheriffs were suspected as not being in general sufficiently zealous and severe against the presbyterians, and as they chose their own deputies, the latter shared in the same suspicion. The prelates, therefore, considered it necessary to have creatures of their own who would more rigidly

execute the acts of council, and they obtained the erection of a new officer in each shire, whose duties were those of a sheriff depute, but who was called a sheriff bailie-depute, and was nominated by the crown, which meant, of course, by the committee of public affairs. The sole business of this new officer was to execute the laws and acts of council against those who were anyways implicated in the holding of conventicles, or who had intercourse with intercommuned persons, and they were invested with the powers of justices of the peace. The military in each district were placed under their orders, and they were ordered to disperse all conventicles by force, and were by anticipation pardoned for any slaughter or wounding they might commit. They were also armed with extraordinary powers over the persons and goods of all suspected people, and they might take anybody's house they thought necessary as a garrison. All the acts against the presbyterians were now carried out in such a rigorous and inquisitorial manner, that the conventicles began to assume exactly the form which the government wished for an excuse for still more hostile proceedings. The arming of the presbyterians was now carried on upon so extensive a scale, that each conventicle appeared more like a little army, than a meeting for religious worship, and as the possession of arms and the meeting together in such numbers rendered some of the attendants bolder and more violent in their zeal, scenes occurred which might be easily laid hold of as handles for misrepresenting the principles and designs of the whole body. This new feature and the popish plot in England served for further excuses for maintaining and reinforcing a standing army. As the power of the committee for public affairs had been considerably extended, and three were made a quorum, which number seems almost always to have consisted of the two archbishops and the bishop of Galloway, the whole odium of these proceedings fell, and probably not unjustly, on the prelates; and the violence of the curates, which actually drove more people to the conventicles than would otherwise have gone, kept up and exasperated the general irritation, which was now rapidly making people ripe for an insurrection. The new sheriff deputies were chosen with care, and were generally unprincipled and unscrupulous executors of the orders they received from their superiors. One of those who rendered himself

most obnoxious, was a man of the name of Carmichael, a bankrupt citizen of Edinburgh, who had been selected by the archbishop as a fit agent to hunt out the presbyterians in the county of Fife, his own diocese. The outrages which he committed as sheriff-depute there were calculated to drive those against whom they were directed to the utmost pitch of desperation. Many of the smaller proprietors of land were absolutely ruined; and their families and servants were exposed to every kind of barbarity to force them to give evidence which would serve the purposes of the persecutors. The sick, and even females in childbirth, were treated with infamous brutality; and women and children were not only turned out of their houses with no other means of sustenance except begging, but those who should dare to extend their charity to them were threatened with the most grievous penalties. The country was filled with outlawed men, many of whom had held a respectable position in the world, and had lived in comparative affluence, but who now skulked from one hiding-place to another, and who were hunted down like wild beasts. Such men became naturally desperate, and they were ready to enter upon any enterprise against their oppressors. A party of these outlawed heritors, among whom the names have been preserved of David Hackston of Rathillet, John Balfour of Kinloch, James Russell of Kettle, Andrew Gibson, two Hendersons, William Dalziel, and Balfour of Gilston, resolved to avenge the sufferings of themselves and their brethren by the murder of the odious Carmichael, whom they reckoned on intercepting at a hunting match at which they learnt that he was to be present on the morning of Saturday, the 3rd of May, 1679; in the neighbourhood of Cupar.

On that day nine conspirators took their post to watch their victim, who, however, having received information that suspicious characters had been seen lurking about, left the hunting party early, and escaped the danger. After waiting some time in vain, the conspirators became aware that their design had failed, and were preparing to separate, when a boy arrived from one of their friends, Robert Black of Baldinny, with information that archbishop Sharp was at Ceres, and that he was on the point of returning by way of Blebo-hole, near the spot where they were waiting for Carmichael. It struck them as if providence had inter-

fered to disappoint them of the minor offender in order to throw into their power their greatest and bitterest enemy, and one of them exclaimed, with warmth, "Truly, this is of God! he is delivered into our hands." It was immediately resolved that the primate should be slain, one only, Hackston of Rathillet, dissenting, on the grounds that it was one of those important acts which should not be done hastily or without mature deliberation, and that he himself, having had a private quarrel with the prelate on the subject of tithes, might be supposed to act from personal motives. He therefore declined taking an active part in the exploit, but declared that he would remain with them, and not desert them. The scruples of the others were quickly silenced by the consideration that they should not benefit themselves by sparing their enemy, but that, on the contrary, his cruelty would only increase with his sense of danger if they let him escape; and all further deliberation was cut short by Balfour of Kinloch, who, exclaiming, "Gentlemen, follow me!" led the way in the direction where they expected to meet with the archbishop. As they approached the village of Magus, about two miles from St. Andrews, they descried the primate's coach. Russell of Kettle, who had the fleetest horse of the party, hurried forward to ascertain if the archbishop were in the carriage, and finding this to be the case, he shouted out to his companions, "Judas be taken." Sharp instantly screamed to his coachman in the greatest terror to drive faster, and the latter urged the horses forward, and brandished his whip to prevent the assailants from approaching. One of them at length got in advance and struck the leading horse in the face with his sword, while another wounded and dismounted the postilion, and cut the traces. The archbishop as yet had received no injury, although several shots had been fired, and some of them had passed through the coach; but as soon as this was stopped, the archbishop was ordered to come out, that his daughter, who was in the carriage with him, might receive no hurt in the execution of their design. He refused and began to expostulate, when a pistol was fired at him, but still without effect. One of the party then laid hands upon him, and dragged him from his seat, and he fell on his knees on the ground, begging in the most abject manner for mercy, and promising that if they would let him live they

should never be troubled for what they had done. The character of archbishop Sharp was too well known to admit of any trust being put in his promises, but they reminded him of his base treachery towards Mitchell, one of his most recent victims, and told him that they were not actuated by any motives of personal revenge, but that they were commissioned by God to execute just judgment upon him, as a murderer, an apostate, and an open persecutor of the church of Christ, which he had betrayed and tormented for eighteen years by dipping his hands in the blood of the saints. He still entreated anxiously for his life, but the only reply was an earnest exhortation to prepare for eternity and God's judgment, and he was reminded of having held back the king's letter of mercy, after the battle of Pentland, until a number of his victims were executed, that they might not have the advantage of it. His daughter's entreaties, who had left the carriage and fallen on her knees beside him, might have had more effect, but that they acted under the conviction that, if he were spared, his vengeance would have fallen not only upon them, but upon the whole body of the presbyterians, and

having fired again with no more effect than before, they struck him repeatedly with their swords, until he fell flat and motionless on his face. Believing him dead, they were mounting their horses to leave him, when they were arrested by an imprudent exclamation of his daughter, who, as she knelt by him shrieking and weeping bitterly, called out suddenly to the coachman to come to her help, as there was still life in him. One of the party immediately called to his companions to return and finish their work, as, if he survived, it would be worse for them than if they had never entered upon it; and they came back and dispatched their victim. They then disarmed the primate's servants, and carrying off their arms and his papers, remained together till evening, and then, having examined the papers together, they separated each to shift for himself. It was remarked as an extraordinary circumstance, that, although the country was overrun in every direction by troopers and other agents of the bishops, the actors in this dreadful scene met with no interruption in their designs, and that they were allowed to remain together all the day without being disturbed.

CHAPTER IV.

THE RISING IN LANARKSHIRE; DEFEAT OF THE COVENANTERS AT BOTHWELL BRIDGE; VINDICTIVE PROCEEDINGS WHICH FOLLOWED; THE DUKE OF YORK IN SCOTLAND; TRIAL AND ESCAPE OF THE EARL OF ARGYLE.

THE slaughter of archbishop Sharp caused a great sensation; and, though his death was lamented by few (for he was hated even by his own party), it was spoken of by the court in terms of great indignation, and was made a handle for new persecutions. In a proclamation offering a reward of ten thousand marks to any one who should discover and effect the seizure of the murderers, and pardon and reward to any one of those who would inform against his associates, they affected to consider the slaughter as an act of sacrilege, and described it as a parricide exceeding in cruelty the barbarity of pagans and heathens. They endeavoured at the same time to throw the odium of the act upon the whole body of presbyterians,

by intimating that as long as field conventicles were allowed to exist, crimes of the same description were to be expected daily, and none of the prelates or zealous ministers of the crown were safe. On the 8th of May, a proclamation appeared, prohibiting the use or possession of arms, and this was soon followed by an act of a more severe nature, which had been prepared by the primate before his death. This proclamation not only called upon all magistrates to carry out to the letter all the existing acts against conventicles, which were so severe that they had in few cases been hitherto executed otherwise than partially, but it conferred upon all officers of the army the power of judging summarily and inflicting upon those

who were concerned in conventicles the pains of high treason. There was something so monstrous in thus giving the power of life and death to the meanest sergeant, that the privy council, subservient as it was to the faction which now ruled, refused their consent to this proclamation unless it had previously received the sanction of the king. A copy was accordingly sent to England, and it now returned with the king's entire approbation, coupled with a declaration that he would maintain his authority and support his council in all their proceedings, however they might be clamoured against.

The number of men who were driven into a state of outlawry by these violent proceedings was very great, and as these always met in the conventicles in arms, and formed into troops for defence, they were becoming not only a numerous but a disciplined body. At the conclusion of each meeting it was intimated among themselves where and when they were to meet next, so that there was a certain degree of regularity in their motions; and as nearly the same body of inter-communed men met in arms on each occasion, they began gradually to aim at something more than mere resistance, and a more violent party gradually formed itself, holding the opinion that it was wisdom if not duty to attack and disable their enemy before he attacked them. The leader of this party was Mr. Robert Hamilton, brother of the laird of Preston, a zealous and conscientious man, but obstinate and unfurnished with the judgment necessary for the position he had thus assumed. His party were further excited by the arrival among them of the men who were guilty of the archbishop's death, and who believed that their best chance of safety lay in a general rising. If the presbyterian party had been united, and had possessed able leaders, at this moment, it is probable that such a rising would have been successful.

On the 29th of May, the anniversary of the restoration, Hamilton, resolving to signalise himself by some bold exploit, went with about eighty armed men and a minister named Douglas to the royal burgh of Rutherglen in Lanarkshire, and put out all the bonfires which had been made to celebrate the king's return to his throne. They then publicly burnt the act rescissory, the act establishing prelacy, and the other acts of parliament and council against the presbyterians; and having stuck up a declaration of

adherence to the solemn league and covenant and the work of reformation, retired to the neighbourhood of Loudon-hill, where Mr. Douglas was to preach on the following Sabbath. Information of this daring act was immediately carried to the agents of the court, and one of the most zealous of these, Grahame of Claverhouse, a name afterwards so notoriously connected with episcopal persecution, who was at this time stationed at Glasgow, marched on the Saturday, with three troops of horse and some foot, to Hamilton, where he surprised a minister named King and about fourteen unarmed countrymen, who were there for the purpose of attending the next day's conventicle. Next morning he tied his prisoners together in couples, and telling them scornfully that he would take them to hear the sermon, he drove them before his troops towards the place where the conventicle was to be held. When the scouts sent out by the covenanters brought intelligence of the approach of Claverhouse and his troops, those who had arms immediately drew up under their leaders, Hamilton, Cleland, who afterwards distinguished himself in the cause, Balfour and Rathillet, two of those concerned in the slaughter of the archbishop, and John Nisbet of Hardhill, and determined that they would not only protect the meeting and prevent it from being dispersed, but that they would advance against Claverhouse and attempt the liberation of their brethren whom he had captured. They mustered about forty horse and perhaps nearly two hundred foot, and with this force they encountered the royal troops at a place on the moor called Drumclog. After a short struggle, the king's troops gave way and fled in the utmost disorder, having had between thirty and forty killed, and a considerable number wounded, among whom were several officers. Claverhouse himself narrowly escaped, after having a horse shot under him, and a considerable number of his men were taken prisoners. The covenanters are said to have had only two or three men killed and about four wounded, and Mr. King and his companions were all set free.

The rising having thus commenced accidentally, the leaders of this band of covenanters, encouraged by their success, determined to persevere, and they marched to Hamilton, where they passed that night. The rumour of the defeat of Claverhouse, which had spread far and wide, soon brought accessions to their numbers, and when they

proceeded towards Glasgow on the Monday, they began to assume the appearance of a formidable army. Claverhouse, however, had had time to barricade the streets of that city with carts, timber, and whatever material came to hand, and after a long and fruitless attempt to enter it, the covenanters were obliged to retire, having however sustained but a trifling loss. They now challenged the king's troops to come out and fight them in the fields; but as their challenge was not responded to, they returned to Hamilton, and being joined by many heritors and yeomen from other counties, they at first appear to have been confident of ultimate success, although their numbers probably never exceeded four or five thousand, who looked upon Robert Hamilton as their commander. These were weakened, however, by disunion, arising from a difference of opinion among the chiefs upon minor points, which were disputed with unnecessary obstinacy. Hamilton, with Douglas and Cargil among the ministers, and Balfour and Hackston among the chiefs, representing the most zealous party of the presbyterians, insisted upon setting forth a public confession and enumeration of the defections of the church and the sins of the land, and they obstinately contended for a strong declaration against the indulgence. The more moderate party urged that these things should be left for the decision of a free parliament, and reproached the others with being more taken up with the sins of others than with their own; yet they absolutely refused to yield, and the dispute continued with so much heat that the more moderate leaders proposed to withdraw. These disputes, however, had the most injurious consequences as regarded the prospects of the insurrection; for, while the insurgents were actually masters of the west country for a full month, they wasted the whole of their time in theological debate instead of action in the field, and they lost the opportunity of supplying themselves with the munitions of war and of disciplining their men, while many who, encouraged by their first success, were on the road to join them, turned back to their homes in despair when they heard of their disputes.

The government meanwhile was differently occupied. No sooner had intelligence of the rising reached the capital, than the privy council met and immediately issued a proclamation calling upon the rebels to lay down their arms within twenty-four hours and surrender themselves unconditionally to the

earl of Linlithgow, as commander of the forces in the west. By other proclamations which followed one another rapidly, the militia were ordered to assemble, and all heritors and freeholders were commanded to attend the king's army. Every precaution was taken to protect the capital, which seemed to be all that the privy council thought of doing until reinforcements arrived from England. The forces which were in Glasgow evacuated that city, and marched to join those under the earl of Linlithgow, which they did at Larbert Moor; but even with his united army that nobleman judged it unwise to risk an engagement with the insurgents, and by the directions of the council he drew back to the neighbourhood of the capital. At court the character of the rising was misrepresented so as to be made a justification of all the severe measures which had been adopted, and as an excuse for further rigour. Hamilton and other noblemen, who had again repaired to court, were not listened to, and it was only with difficulty, and in consequence of his being the king's favourite son, that they obtained the appointment of the duke of Monmouth to command the forces which were to be sent against the rebels. The duke was at first allowed a discretionary power to act according to circumstances; but Lauderdale contrived to have his instructions altered, and he was enjoined finally not to negotiate on any terms, but to fight.

The duke of Monmouth arrived in Edinburgh on the 18th of June, and was immediately admitted a member of the privy council, though his appointment to the command of the army was extremely disagreeable to all Lauderdale's friends. He set out to assume his command next day, and the force under him, increased by reinforcements of regular troops from England, amounted to about ten thousand men; but his advance was retarded by the slowness (intentional it was believed) with which the necessary supplies were sent from Edinburgh. Unfortunately for the insurgents, they neither took advantage of this delay to attempt to make their peace, nor to increase their chances of success, but they continued to occupy themselves with the same disputes, and as violently as ever. They had not even appointed their officers, nor formed any plan of operations, and they were almost without ammunition. When the duke of Monmouth approached with the king's army, he found them en-



Engraved by W.T. Mear

JAMES SCOT, DUKE OF MONMOUTH.

OB. 1685.

FROM THE ORIGINAL OF RULI, IN THE COLLECTION OF

HIS GRACE THE DUKE OF BUCCLEUCH.

camped on a moor on the south side of the Clyde, in a position that could only be attacked by a very narrow bridge at Bothwell, the river being for a considerable distance too deep to be forded. Early in the morning of the 22nd of June, which was sabbath-day, after the exchange of a few shots between the advanced guard of the king's army and those who defended the bridge, a deputation from the insurgents waited upon the duke with a petition for terms of peace, and he granted them a cessation for an hour, but he told them the only terms it was in his power to listen to were those of unconditional surrender, and, as they considered this as submitting themselves to the utmost vengeance of their enemies, the messengers returned. The king's army then advanced, but the few men who guarded the bridge not only offered a brave resistance, but even advanced and drove the enemy from their cannon. Had they been properly supported, the consequence might have been serious to the king's army, but left quite alone they were obliged immediately to retire back upon the bridge, and exposed without ammunition to the enemy's artillery which was now brought to bear upon them, they abandoned their artillery also, and retreated slowly towards the moor, keeping in check a body of three hundred foot and a troop of horse under lord Livingstone, which crossed the bridge and pursued them. The resistance offered by this small body of men was the only part of the affair which could be called a battle, for the royal army was now allowed to cross the bridge and form on the moor without the least molestation, and on the first attack, the insurgents fled in the utmost confusion. About four hundred were slain in the pursuit, and the slaughter would have been greater, had it not been for the humanity of the duke of Monmouth, who ordered the fugitives to be spared. Twelve hundred prisoners were taken, among whom were two ministers, Mr. King and Mr. Kid. The inferior officers, to whose care they were entrusted, behaved with a spirit of vindictive cruelty which presented a broad contrast to the generosity of their commander, and showed that they looked for their reward from the creatures of Lauderdale. The unfortunate captives were stripped almost naked, and in that condition ordered to lie prostrate on the ground, and not stir at the risk of their lives, and some who ventured to raise them-

selves for ease were immediately shot. They were afterwards tied two and two together, and driven like a drove of cattle to Edinburgh, where they were exposed to the insults of the mob, any one who showed the slightest sympathy for them being treated roughly by the soldiers. Even the women who, in compassion, brought them refreshments, were insulted and their charitable offerings thrown away. After the battle, and even when the soldiers were withdrawn from the pursuit, they spread themselves over the neighbourhood, and numbers of unarmed peasantry, who (it being Sunday) had been on their way to the camp to hear a sermon, were murdered in cold blood. Claverhouse proposed to the duke that the army should be rewarded with the indiscriminate plunder of Glasgow and Hamilton, but his proposal was rejected with the indignation it deserved. The former city, however, was compelled by the government to relinquish a debt of thirty thousand marks which the city of Edinburgh owed to it, and this money was employed to satisfy the rapacity of the officers, who were disappointed at the rejection of Claverhouse's proposal. No sooner had Monmouth ascertained that all fear of further resistance on the part of the insurgents was over, than he withdrew the troops, and stopped the march of others which were on their way to join him; and, when he returned to Edinburgh, he caused surgeons to be procured for the sick and wounded prisoners, and did what else he could for their comfort, to the astonishment of people who of late had been accustomed to nothing approaching to humanity in the behaviour of the government towards their vanquished victims.

The king, however, was far from sharing the generous feelings of his son, and the directions which came down from court were of a severe character. Charles ordered the privy council to examine the leaders of the insurrection, and try to induce them by promises of reward or by torture to discover their foreign correspondents, believing that some of the leaders of the opposition in England might be involved in the rebellion. They were also required to inflict exemplary punishment on the heritors, ministers, and principal ringleaders, and to transport three or four hundred of the commoner sort as slaves to the plantations. By the side of these severities, a show of clemency was affected, and the execution of the acts and

laws against house conventicles were suspended on the south side of the Tay, while the mass of the prisoners were set at liberty on a promise that they would not again bear arms against the king or attend field conventicles. The city of Edinburgh and two miles round it, those of St. Andrews, Glasgow, and Stirling, and one mile round each, and the lordships of Musselburgh and Dalkeith were excepted from the suspension of the acts against house conventicles. At the same time Monmouth proclaimed an indemnity to all tenants and sub-tenants who had been in arms at Bothwell, on their submission. By the humanity he showed to the prisoners, and by his evident inclination to compassionate their sufferings, the duke gained the confidence of the presbyterians, and before he left Scotland, they waited upon him with a supplication, praying him to be their mediator with the king "for some ease and redress of their great grievances, the saddest and heaviest of which they alleged were unknown to his majesty. All nonconformist ministers, a very few excepted, were turned from their charges, dwellings, and livelihood, and exposed to long, severe, and expensive imprisonments, for no other cause than that they could not comply with prelacy; against which they were engaged under so many strong and high bonds, and found themselves under a constraint of preaching the gospel through an obligation from their office, without the least disrespect to his majesty's authority or laws. Other preachers, without trial, were denounced, intercommuned, confined, and banished; while the people, for only hearing, were, besides grievous imprisonment, pressed with exorbitant fines, and many sold as slaves to foreign lands, or to serve in the wars of the French king. All they asked was, that his majesty would grant them the liberty of preaching the gospel, and exercising church order among those of their own persuasion." The duke listened to them, declared his own conviction of the loyalty of the Scottish people, and said that they deserved a full share of the royal favour.

Scotland, however, was allowed to reap little benefit from the favourable disposition of the duke of Monmouth. The Scottish lords in London had obtained an audience of the king at Windsor castle on the 8th of July, and then, with the assistance of two advocates, sir George Lockhart and sir John Cunningham, they impeached the duke of Lauderdale, and produced against him a

series of articles, founded partly upon the introduction of the highland host and the illegal proceedings which followed, and on a variety of equally illegal acts, against individuals who had offended him personally. To excuse and cover all these proceedings, he had, they said, deliberately misrepresented the state of affairs to the king; and they accused him also of breach of public faith, of monopolies, and of bribery. The king's advocate answered by accusing them of challenging the king's prerogative, in supposing he had not a right to order all the things of which they complained. The advocates for the impeachment argued that the privy council, under Lauderdale's directions, had abused the prerogative in their application of it. The king's advocate replied that to question the application was to question the king, under whose commission he acted, and that they were not answerable for their acts to anybody else; upon which the other party declined to act any further, on account of the manner in which the king was introduced as a party. In the end the king declared that the accusations were in general malicious or slanderous, with the exception of some minor points which should be inquired into; and he expressed his displeasure that any of the Scottish nobles should presume to weaken his authority by becoming intercessors for his people, which he said was a very factious and dangerous practice, and should not be tolerated in future. He at the same time made out a full pardon for Lauderdale for all the things with which he had been charged; and he even intimated that he should have been better pleased if the duke of Monmouth had caused all the prisoners at Bothwell-bridge to be massacred on the spot. Yet Charles is said to have remarked in private that Lauderdale had certainly done many "damnable things" against the people, but he saw nothing that he had done contrary to the interests of the king. An attempt, however, was made to appease a little the odium excited by these arbitrary proceedings by the publication of an indemnity and an act of indulgence, but the former was so hampered with limitations that it was useless, and the tendency and apparent intention of the latter was to breed dissension among those to whom it was offered.

While things were taking this turn in the south, the council in Edinburgh, no longer restrained by the presence of the duke of Monmouth, were indulging their

vengeance upon the prisoners. The two ministers were first brought to trial and subjected to torture, and they acknowledged what was termed "consociation" with the insurgents; that is, that they were passive but not active approvers of their cause. Mr. King pleaded that he had not gone to the rebel camp voluntarily; that while there he had exerted himself in urging the insurgents to return to their obedience; and that he had taken the first opportunity to leave them, which was before the battle. Mr. Kid made a similar plea; he said that he had gone to the camp only for the purpose of exhorting the rebels to lay down their arms, and that, though detained there against his will, he had cautiously abstained from taking any part in their acts. Neither of them, however, was allowed to produce any exculpatory witnesses, but their confession of having been with the rebels was declared to be sufficient proof of their guilt, and sentence of death was passed upon them. On the morning of the 14th of August, a scaffold was erected at the high-cross in Edinburgh, and the king's indemnity was published with great solemnity; and the same afternoon another scaffold was erected on the same spot, and the two ministers were hanged, and their heads and arms cut off and fixed upon the tollbooth. Five other prisoners were condemned to be hanged in chains on Magusmoor, at the spot where archbishop Sharp was murdered; and to make this scene more like a mockery of justice, of the men selected for this purpose some had never been in Fife, and others had never to their knowledge seen the archbishop. The twelve hundred prisoners brought from Bothwell-bridge had been placed together in the churchyard of the Greyfriars, where they were confined without any covering between them and the sky for five months. They were allowed at first each about four ounces of coarse bread a-day, with a certain quantity of ale for drink, but after Monmouth's departure, the ale was changed for water, and their general treatment was much more rigorous. They were robbed of all their cash and of much of their apparel; any additional comfort attempted to be conveyed to them by their friends was intercepted and taken by the sentinels; and if any of them ventured to complain or expostulate, they only exposed themselves to the brutal insults of the soldiers, who knew that whatever ill-treatment they subjected them to, would be re-

warded rather than disapproved by those in power.

According to the king's orders, the majority of these prisoners were to be set at liberty, but before they were allowed to profit by this indulgence, they were expected to subscribe bonds of peace, by which they engaged never to take arms against or resist his majesty or any of his authorities, and they were informed that if they ever attended any field conventicle they would thereby forfeit the benefit of the indemnity, and the law against them would be carried into summary execution. Many accepted this bond, but a much larger number, considering that in so doing they would be passing a censure on their brethren who had been slaughtered in the cause, refused, and resolved rather to submit to death or slavery. Some perished by the hands of the common executioner, and of those who were sent to the plantations a portion only ever reached their destination, in consequence of the manner in which they were treated. Towards the end of the year, two hundred and fifty were shipped at Leith on board a vessel which was not calculated to hold more than a hundred, and they were stowed in the hold so close that they had hardly room to lie down, though some of them were suffering with fluxes and other diseases brought on by exposure and privation. As a further aggravation of their sufferings, they were not allowed sufficient water to quench their thirst. On the 10th of December, as they were passing the Orkneys, they were attacked by a violent tempest, and the prisoners, believing the ship to be in imminent danger, petitioned the captain that they might be landed and committed to prison until the weather were calmed, but instead of listening to their request, he ordered the hatches to be nailed down upon them. As the day advanced the storm increased, and at night the ship struck upon the rocks and went down. The captain and crew made their escape without even taking the trouble to open the hatchway, until one of the sailors, more humane than his companions, returned on board with great risk to himself, and cut an opening through the deck with an axe. By this means about forty got out and made their escape, but the remainder were all drowned in the hold of the vessel. Nor were those who took the bond suffered to live quietly at their homes; for soldiers were sent into the districts which had furnished recruits to the

insurgent army, who lived at discretion, plundering and committing every kind of cruelty, while the officers carried off and sold for their own profit the cattle and goods of the more substantial heritors and tenants. Claverhouse and the troops under his command, who were quartered in Gallo-way, rendered themselves especially notorious by the atrocities they committed. Certain officers received gifts in general terms from the king and council of the movables of all the persons in a certain parish, or sometimes of several parishes conjoined, who had been at Bothwell; and these officers, who were termed donatars, acted with the greatest rapacity, plundering not only those who had been in the rebellion, but almost anybody against whom they could raise up a suspicion for an excuse for their violence. Not satisfied even with this effective way of pillaging and ruining the country, the council revived an old law relating to the calling of the king's lieges to attend his host, and made this the foundation for innumerable fines and confiscations. Circuit courts of justiciary were sent round the country, upon the pretext of punishing those who had not accepted of the indemnity, but more specially for the purpose of seeking out those who had been accessory to the murder of the primate, or who had resisted the king's forces at Drumclog, or who had been with the rebel army at Bothwell-bridge or Hamilton-moor, or who had frequented conventicles. Clerks were sent in advance to gather evidence and prepare the proceedings, and as in every parish the curates were active informers, very few who were known to be zealous presbyterians escaped their persecution.

A revolution was at this moment taking place in the English court, of which the result was the recall of the duke of York from exile, but as it was thought that his sudden appearance in England in the then existing state of public feeling would be imprudent, it was therefore arranged that he should proceed to Scotland and make his temporary residence in the capital of that kingdom. The duke arrived at Berwick upon the 21st of November, and he was conveyed by the principal nobility and gentry of Edinburgh, which he entered in great state on the 24th. Sixteen companies of trained bands received him at the city gate, from whom sixty men were chosen and accoutred as his body guard, and an unusually magnificent banquet was given to him

by the city magistrates. The duke was immediately admitted, without being required to take the oath, to act as a privy councillor, and his presence and his known sentiments strengthened and encouraged the court party, though on this occasion he did not actively promote the persecution of the presbyterians. New severities were, however, practised by order of the council, among which was the sending out of a military commission with very vexatious and oppressive powers. In one object he was completely successful, which was the gaining the attachment of the highland chiefs, who were many of them inclined to popery; and when on the 17th of February, 1680, he left Edinburgh for England, he carried with him a letter from the council to the king, speaking of his conduct in Scotland in the most laudatory terms.

The strict presbyterians, who steadily refused the bond, were gradually reduced in numbers, and had become absolutely outcasts from society, the only places of precarious safety for them being the mountain wilds. Their ministers were reduced to two, Cameron, from whom they afterwards took their name of Cameronians, and Cargil. The latter was about this time in company with Hall of Haughead, at Queensferry, when the governor of Blackness castle, informed of their presence by the curates of Caridin and Borrowstounness, came upon them by surprise. Hall, in assisting the minister to escape, was mortally wounded, and his captors found upon his person an imperfect draught of a declaration, describing the tyranny of Charles Stuart, who, it is said, was to be rejected as king for having treasonably changed the constitution to a despotism, and it was proposed to substitute for hereditary royalty the civil and judicial law which God gave to the children of Israel. This wild project was immediately published by the government as a document calculated to throw discredit on the presbyterian party in general, who were charged as being republicans, and as aiming at changing the established form of government. These imputations drove the zealous presbyterians or "fanatics," to make a public avowal of their attachment to monarchy, and at the same time to renounce their allegiance to a king who had deprived them of the common rights of subjects. Cargil, after his escape from Queensferry, had joined Mr. Cameron and his brother, who were with their fol-

lowers in Ayrshire, and who had drawn up a declaration of the description just alluded to. On the 22nd of June, about twenty of them, with Cargil and the Camerons, all armed, proceeded to Sanquhar, and there published their declaration, and affixed a copy to the cross. In this document, they declared their constant adherence to the monarchical form of government acknowledged by their covenants, but disowned Charles Stuart as their lawful sovereign, for his perjury and breach of covenant, and for his usurpation over the church and tyranny in the state, declaring war against him and his supporters, and protesting against the duke of York as a papist, and therefore incapable of occupying the throne. No sooner was the council informed of this declaration, than they issued a proclamation offering a reward for the discovery of any person concerned in it, and ordering that all the inhabitants of the western districts of the age of sixteen or upwards should be examined on oath, and under the denunciation of a heavy penalty, as to any knowledge they had of any of the proscribed persons or of their lurking places. Orders were at the same time dispatched to general Dalziel, who commanded at Lanark, to send out parties of dragoons to scour the country, and if possible arrest the leaders of the outlaws. A troop of about a hundred and twenty dragoons, under the command of Bruce of Earshall, came unexpectedly at a place called Aird's Moss, upon a party of the Cameronians, consisting of about forty foot and twenty-six horse, headed by Hackston of Rathillet, with whom were the two Camerons. Knowing that they had no mercy to expect if taken, the covenanters drew up at the entrance to the moss, and determined to try and charge through their enemies. But the foot were ill-armed and unable to give any adequate support to their horse, and the latter, boldly attacking the king's soldiers, were surrounded and overpowered. The two Camerons were among the slain, while Hackston, severely wounded, was taken prisoner. He was carried in this condition to Lanark, where, without any attention paid to his wounds, he was examined by the brutal Dalziel, who threatened to roast him because some of his answers were not satisfactory, and ordered him to be put in irons and fastened to the floor. The head and right hand of Richard Cameron, the minister, were cut off and sent to Edinburgh, where, as a refinement in cruelty,

they were shown to his aged father, who was in prison. The prisoners were all carried to Edinburgh in the most ignominious manner. When Hackston was brought before the council, he refused to acknowledge the king's authority, as being contrary to that of God and his church, and his state of weakness only (for his wounds had not been attended to) saved him from the torture. As a matter of form he was sent to the court of justice for trial, but as he declined its jurisdiction, he was condemned as a matter of course, and, being conducted from the bar to the scaffold, he was executed with all the cruel and disgusting details then included in the punishment of high treason. His body was quartered, and the quarters exposed at St. Andrews, Glasgow, Leith, and Burntisland. The heads of their companions were raised on spikes over the gates of the city of Edinburgh.

As the numbers of the outlawed presbyterians decreased, the ferocity with which the council prosecuted them seemed to increase, and the boldness of the victims increased also. Cargil was now their only minister, and soon after the death of the Camerons, and the execution of Hackston and his companions, he proceeded to an extraordinary act of retaliation. In the latter end of September Cargil preached at Torwood in Stirlingshire, and at the conclusion of his sermon, he published with all solemnity sentence of excommunication against the king, the duke of Lauderdale, the earl of Rothes, general Dalziel, and sir George Mackenzie (the lord-advocate), and others to whom the miseries in Scotland were ascribed, including the dukes of York and Monmouth. The form of this excommunication is remarkable, in connection with the circumstances under which it was promulgated. Against the king it was worded as follows:—"I, being a minister of Jesus Christ, and having authority and power from him, do in his name and by his spirit excommunicate, cast out of the true church, and deliver up to Satan, Charles Stuart, king, &c. 1st. For his high mocking of God, in that after he had acknowledged his own sins, his father's sins, and his mother's idolatry, yet he had gone on more avowedly in the same than all before him. 2nd. For his great perjury in breaking and burning the covenant. 3rd. For his rescinding all laws for establishing the reformation, and enacting laws contrary thereunto. 4th. For commanding of armies to destroy the Lord's people.

5th. For his being an enemy to true protestants, and being a helper to the papists. 6th. For his granting remissions and pardons for murderers, which is in the power of no king to do, being expressly contrary to the law of God. 7th. For his adulteries and dissembling with God and man." There was a certain degree of superstitious feeling with regard to the terrible sentence of excommunication, which is said to have weighed upon the minds even of those who affected most to despise Cargil's proceeding, and the effect it produced was certainly very extensive; but its more immediate consequence was to increase the rage of those against whom it was more especially directed.

In the latter part of this year the duke of York returned to Scotland. He had now made open profession of the Roman catholic religion, and as the liberal party in England were preparing a violent parliamentary attack upon him, it was judged advisable by his friends that he should not be present. Accompanied by his duchess, he proceeded to Scotland by sea, and landed at Kirkcaldy on the 26th of October. He did not proceed at once to Edinburgh, but when he did arrive in the capital at the end of the month, he was received in the most flattering manner, though, as it happened that the great cannon called *Moris Meg* burst in firing it to welcome him in the castle, this circumstance was looked upon by many as an unlucky omen. He was assured by the privy council that they were all ready to risk their lives in his cause, and he immediately took an active part in the government of the country. Lauderdale, whose mental faculties had gradually given way, was no longer capable of executing the duties of his office as secretary, which was transferred to the earl of Murray. The duke now threw off the mask of moderation which he had assumed on the former occasion, and he promoted in every possible way the persecution of the nonconformists. Whether it was designed to raise a feeling of sympathy in England, or as an excuse for new severities in Scotland, a fictitious conspiracy against the duke's life was got up soon after his arrival, and three persons, Archibald Stuart of Borrowstounness, Robert Hamilton of Kinneil, and an apothecary of Glasgow named John Spreul, were put to the torture in order to force them to what might be called a confession. The operation of torturing was performed in the duke's presence, and the exquisite sufferings of the

victims are said to have drawn from him only a remark on the ingenuity of the process. If these proceedings the declaration published at Sanquhar was joined with the excommunication at Torwood, and with the murder of archbishop Sharp, and the circumstance of having renounced allegiance to the tyrannical government of king Charles, was assumed to be a proof of participation in a plot to assassinate the duke of York. As a farther criterion of guilt, all persons whom the authorities chose to suspect, were compelled to state whether they approved or disapproved the murder of the primate; and as many conscientiously believed that that deed was a judgment of God upon their archpersecutor, however far they might have been from approving a murder, they were equally unwilling to condemn this act; and this opened a wide field for persecution. Refusing to call the rising at Bothwell rebellion or the slaughter of the archbishop a murder, was treated as an act of high treason, and not a few men, on this charge alone, were sent to the scaffold.

The popular sentiment in Scotland with regard to the religion now professed by the duke of York was exhibited very soon after his arrival. On the Christmas-day following, some students of the university of Edinburgh having seen in a tavern a picture representing the burning of the pope in effigy in London, resolved to imitate them in the Scottish capital, and they proceeded to dress up a figure to represent his holiness, with all the accompaniments of triple crown, keys, &c. They placed him in a seat intended to represent the inaugural chair at Rome, and having carried him to the head of the Cowgate, they there pronounced sentence of excommunication against him, and then carried him to the foot of the Blackfriars' wynd. As they were aware that the military had been ordered out to prevent the consummation of this insult to the religion of the next heir to the throne, the students announced publicly that their procession was to terminate in the grass market, the common place of execution, where they intended to hang and burn the effigy; and the soldiers, putting full faith in this statement, went and took their post at the gallows. The students, having thus adroitly gained their object, turned with their procession, headed by three students with torches preceding the image, along the Blackfriars' wynd into the High-street. There they set down the

chair, pronounced a mock sentence on the pope, and then setting fire to him, it soon communicated with some gunpowder which had been placed inside, and his holiness was blown into the air. The apprentices and sons of burgesses, encouraged by the example of the students, wore blue ribbons, the ancient badge of the covenant. The blue ribbons were also worn by the students at Glasgow, who, however, omitted the burning of the pope.

The riot, as it was termed in Edinburgh, was warmly taken up by the council; the college was shut up, and several of those who were known to have been actively engaged in the mock ceremony were imprisoned. The provost, sir James Dick, showed so much bitterness against them, that the students, exasperated by the proceedings of the council, threatened to burn his house; and while the matter was pending, Priestfield, his residence in the country, was burnt. This fire, however, could not be traced to the students, and, from some circumstances which transpired, it was generally believed that the duke of York had contrived the burning of the house in the hope of thereby throwing suspicion and odium on the party opposed to him. The council, however, entirely failed in making out any connexion between the burning of the pope's effigy and the pretended designs of the presbyterians, and on the 1st of February, by an act of parliament, they allowed the students, who had been banished fifteen miles from the city, to return to their classes on taking the oath of allegiance. At Glasgow, also, the conduct of the students was taken up by the authorities, and some of the students, most of whom were sons of noblemen and gentlemen of some account, were called before the masters and the archbishop to answer for their doings. Among these was the marquis of Annandale, a fine high-spirited youth, who boldly defending himself and his fellows, persisted in addressing the archbishop with the mere title of sir, to the great scandal of the people in authority. At last his regent, one Mr. Nicholson, stopped him, and said, "William, you do not understand whom you speak to; he is a greater person than yourself;" to which the young marquis replied, proudly, "I know the king has been pleased to make him a spiritual lord, but I know likewise that the piper of Arbroath's son is not to be compared with the son of my father; there is more noble blood in my

veins than that of the whole fourteen of them put together." A comparatively trivial circumstance like this is sufficient to indicate that under all her miseries there still lurked a spirit in Scotland which would be sufficient one day to enable her to recover herself.

The year 1681 was a year of bitter persecution. Under the immediate countenance of the duke, who, after the affair of the students had been arranged, made a progress with great pomp to Linlithgow and Stirling, the courts of justice were made the scenes of illegal proceedings of the most infamous character. The practice was now adopted, on every occasion before the juries retired to consider their verdict, to threaten them by the king's advocate with a process of error if they returned an improper one, which of course meant a verdict against the crown. The iniquity of these proceedings is well illustrated by the oft-quoted example of two poor women, Isobel Allison and Marion Harvey. They were both quite young, the former living in Perth and the other a maid servant in Borroystounness, and their only crimes were that Isobel had been heard to make some remarks on the badness of the times, and Marion was found walking peaceably on the highway to hear a sermon. Being simple women, they were easily ensnared by the artful questioning of the privy council, and they were induced to confess that they approved of the Sanguhar declaration, and that they had attended Mr. Cargil's preaching and had conversed with intercommuned persons. They were then turned over to the justiciary, and, their confessions being the sole evidence against them, they were convicted of high treason and condemned to the gallows. The jury having shown some hesitation with regard to the verdict, were insulted and threatened by the advocate. The two victims were hanged along with some women who had been convicted of child-murder; and even the bishop of Edinburgh went out of his way to insult them, telling them on the scaffold that they should hear a curate for once in their lives, although they had never heard one before, and he ordered one of his suffragans to pray. But the two women suddenly raised their voices, and sang in unison the 23rd psalm, so as completely to drown the voice of the curate. They died with much composure, rejoicing in the cause for which they suffered. Cargil himself soon afterwards fell into the hands of the agents of government. One evening

as he was returning from preaching on Dunsyre-common, between Clydesdale and Lothian, he was seized with two of his companions by Irving of Bonshaw, and carried to Lanark. They were then mounted on horses, without saddle, and their feet tied under the horses' bellies, and in that manner led to Glasgow, and thence to Edinburgh. Cargil's trial was short, for his offences, such as they were, were many and well-known, and he was hurried to the scaffold, where he suffered, with five of his companions, with a smile on his countenance. Whenever he attempted to address the people, he was interrupted by beating of drums.

In the midst of this persecution, a small sect of wild visionaries arose, who called themselves by the somewhat singular title of "the sweet singers." They were, however, better known by the name of Gibbites, from a sailor of Borrowstounness named John Gibb, who was their leader. This singular sect consisted chiefly of women, and is said to have never exceeded the number of thirty persons. One of their tenets was that they ought not directly or indirectly pay towards the support of the present government, and therefore, to avoid consuming anything that was exciseable, they left their homes and retired to desert places, and for days together they would live upon nothing but herbs and moss-water. They had visions of terrible judgments that were to come upon the land, and some of them actually took their station on the summit of the Pentland hills, in the belief that they should witness the immediate and entire destruction of the city of Edinburgh, which had merited God's wrath by its sins. Finding themselves disappointed, they resisted the greater part of the scriptures, renounced all authority of tyrants in the world, and declared that they would associate with no other sect or denomination of christians. Cargil had visited them and made a vain attempt to reclaim them from their strange opinions. The government seems to have thought that the absurdities of these people might possibly be used as a means of throwing further odium upon the character of the unconquerable covenanters. A troop of dragoons was therefore sent out, who surprised them in the fields where they had passed a whole month at Woodhill craigs, between Lothian and Tweeddale, and captured the whole party. They were carried to Edinburgh, where the men were committed to the tollbooth, and the women to the house of correction. When

they were examined before the duke of York and the privy council, their madness was so evident, that orders were given to set them at liberty, on their signing an abjuration of the disloyal doctrines which they had at one time professed, and giving security for their future good behaviour. The fit of enthusiasm appears to have passed over, for we hear no more of them after their liberation, and it is probable that they returned quietly to their domestic duties.

The duke of York had views beyond the mere persecution of covenanters, and he seems to have believed at this time that his position would be strengthened by calling a Scottish parliament, and accordingly the estates were summoned to meet on the 8th of July, 1681, the duke being appointed the king's commissioner. An objection to this appointment, on account of the duke's religion and his not taking the oaths, was prepared and privately circulated, but as the duke of Hamilton was unwilling to run the risk of bringing it forward without being sure of a majority, the matter was allowed to drop. The meeting was a full one, and the parliament was held with great pomp. The earl of Argyle carried the crown; and the earl of Athol was nominated president, in consequence of the death of the lord chancellor Rothes. The king's letter and the duke's speech were equally extravagant misrepresentations of the truth; and the parliamentary proceedings were distinguished chiefly by the servility of the members of the estates. Although the duke was a professed papist, they passed an act of succession, making it high treason to propose or attempt any alteration or limitation of the hereditary rights of the crown, declaring at the same time that no difference of religion, nor any act of parliament made or to be made, could hinder the nearest heir from the free, full, and active administration of the government. An assessment was voted for the support of the standing army. The fines for attending conventicles were doubled; and heritors were ordered to turn out their tenants or cotters, and masters their servants, who were accused of attending them. The most important question which came under debate was that of imposing such a test on all persons holding public offices, as would have effectually excluded papists from places of trust; and it is said that the members had been treacherously induced to pass the act of succession in favour of the duke by a

promise that this act should be allowed to pass. When, however, the measure was brought forward, and a committee appointed, the duke professed to be greatly displeased, but by a dishonourable trick he contrived to turn it to his own advantage. The lords of the articles were directed to draw up a bill which instead of affording any security for the protestant religion, was in reality an acknowledgment of the absolute supremacy of the crown and a declaration of passive obedience. The whole bill was warmly opposed by Fletcher of Saltoun, who insisted especially on the looseness of the protection given to the protestant religion. Lord Belhaven, who followed him on the same side, remarked that whatever security the oath might be against innovations of their own, it gave them none against a popish or fanatical king. For this slight remark, lord Belhaven was immediately sent prisoner to the castle, and threatened with an impeachment by the lord-advocate, and he only made his peace by a humble submission. An amendment was proposed by the duke of Argyle, in very guarded terms, proposing an additional clause to the oath of allegiance, which would serve as a sufficient barrier against popery, and that the duke alone, of the royal family, should be exempted from taking the oath; but this, as well as all other proposed amendments, was scouted by the duke in the most contemptuous manner. It was necessary, however, to explain what was meant by the protestant religion, and as the court party had not thought of this question, they were rather at a loss to answer it. At length it was suggested by one of them that they should take the confession of faith ratified by the first parliament of James VI., and the prelates, quite unacquainted with this confession, which had been so long superseded by the Westminster confession, and believing that it formed a complete barrier against the presbyterians, agreed to it without examination. The opponents of the bill demanded a short delay—they would have been content with twenty-four hours—to give time for its consideration, but the duke, as commissioner, refused peremptorily, and it was hurried through the house in the most indecent manner, and passed only by a small majority. The consequence was that the act was full of anomalies, and while the confession of faith, which was sworn to be religiously observed, actually enjoined the duty of associating

together to resist tyranny, and limited the power of the magistrate, the next clause declared the absolute supremacy of the crown and the extreme doctrine of passive obedience. Other acts followed, of less importance in their general bearing, but distinguished by the same spirit, and calculated more or less to assist the work of persecution against all who resisted in any way the royal will.

The enforcing of this test became immediately a subject of discontent among all parties, for it was not until then that the real anomalies of the act were perceived. Even among the episcopalian clergy, many objected to it, and showed so much reluctance to taking the oath, that John Paterson, bishop of Edinburgh, drew up an explanation for the sake of removing their scruples. It is said the bishop's first explanation was rather a long one, and that, when he was going to read it to the council, the duke of York prevented him in his rude and authoritative manner, quoting a vulgar proverb, "The first chapter of John and a stone will chase a dog." A brief explanation was then agreed to by the council, and afterwards approved by the king, to the effect that assent was not required to every proposition in the confession of faith, but only a general approval of the fundamental articles as opposed to popery and fanaticism, and that no encroachment was intended on the intrinsic spiritual power of the church, nor any prejudice to episcopal government. Many of the clergy still objected, alleging that when they took an oath in certain words which had a distinct and literal meaning, that meaning could not be altered by an explanation. It is said that as many as eighty of the more conscientious clergy resigned their livings rather than take the oath. Some of the nobility also carried their repugnance so far as to resign their official situations. Others took the oath with verbal explanations of their own. Among these latter was the earl of Argyle, who, knowing that he already lay under the duke's displeasure because he had not been sufficiently servile in parliament, begged to be allowed to resign his offices and go into voluntary exile rather than take the oath. But at the pressing desire of the duke of York, he agreed to take it as a member of the privy council, with an explanation which was approved by the duke himself. This explanation was expressed in the following words:—"I have considered

the test, and am desirous to give obedience as far as I can. I am confident the parliament never intended to impose contradictory oaths, therefore I think no man can explain it but for himself. Accordingly, I take it in as far as it is consistent with itself and the protestant religion; and I do declare I mean not to bind up myself in my station, and in a lawful way to wish and endeavour any alteration I think to the advantage of the church or state nor repugnant to the protestant religion and my loyalty: and this I understand as a part of my oath." After he had thus qualified it, the oath was administered to him, and the duke in the most gracious manner, told him to take his seat at the council-board. The explanatory act of the bishop of Edinburgh was then brought forward, but, as it had been debated in his absence, he declined voting upon it.

Argyle's conduct throughout had, however, given too great offence to the duke to be forgiven by one who was not inclined to brook the slightest opposition to his will, and he had already determined to make him a striking example of his vengeance. Next day the earl was required to take the test again, in his character of a commissioner of the treasury, which he consented to do in the same manner as he had done it in the character of a privy councillor. Upon this, some members of the council alleged that he had spoken so low on the previous day that his explanation was not heard by them all. Argyle now, unwarily, presented his explanation in writing, and, having read it, declared that he was ready to sign it. He was desired to withdraw while the council deliberated on the paper, and various circumstances now led him to suspect that they were laying a snare for him, so that, when recalled before the council and required to put his signature to his written explanation, he refused. In the absence of his signature, the duke of Montrose, as president of the council, attested the document, and the earl was immediately dismissed from all his offices, on the plea that he had not taken the oath in the terms, sense, and meaning appointed by act of parliament. Next day Argyle went to the duke and expressed his surprise that an explanation which he had approved in the first instance should have given so much offence on the second; but he only reproached him with declining to vote on the explanation agreed to by the council, and

told him with a threatening frown that he and some others wanted to bring trouble on a few harmless catholics, but that it should fall upon themselves. The same evening he was committed a prisoner to the castle, and directions were given to the king's advocate, sir George Mackenzie, to proceed against the earl of Argyle for treason and other such crimes, upon the paper relating to the test which he had presented to the council. The king's approval of the prosecution was procured without difficulty, although he had always expressed personal attachment to Argyle as one of the most loyal of his servants, and the privy council went so far as to refuse leave to sir George Lockhart to act as his counsel, until they feared that if they persisted in their refusal, the earl would decline to plead. Eight of the most eminent advocates were threatened with severe punishment for giving it as their opinion that his explanation of the test did not amount to a crime, and a committee of the privy council was actually appointed to consider if that legal opinion did not imply scandal against the government, and therefore come under the head of leasing-making. The charge, which was drawn up by the king's advocate, laid upon Argyle the crimes of leasing-making, perjury, and treason, and it is such a singular specimen of infamous as well as ridiculous sophistry, that it deserves to be repeated in full. It ran as follows:—"You declared that you had considered the test, and was desirous to give obedience as far as you could; whereby you clearly insinuated that you were not able to give full obedience. You declared that you were confident the parliament never intended to impose contradictory oaths; thereby intending to abuse the people with a belief that the parliament had been so impious as really and actually to have imposed contradictory oaths. You subjoined that every man must explain it for himself, and take it in his own sense; by which not only that excellent law, but all other oaths and laws, shall be rendered altogether useless to the government, which is not only an open and violent depraving of his majesty's laws and acts of parliament, but likewise a settling of the legislative power on private subjects. You declare that you take the test in so far only as it is consistent with itself and with the protestant religion; by which you maliciously intimate to the people that the said oath is inconsistent with itself and with the protestant religion, which is not only a down-

right depraving of the said act of parliament, but is likewise a misconstruing of his majesty's and the parliament's proceedings, and misrepresenting them to the people in the highest degree and in the tenderest points, implying that the king and parliament have done things inconsistent with the protestant religion, for securing of which that test was particularly intended. You expressly declare, that you mean not, by taking the said test, to bind up yourself from wishing and endeavouring any alteration, in a lawful way, that you shall think fit for advancing of church and state; whereby you not only declare yourself, but, by your example, invite others to think themselves loosed from that obligation, and that it is free for them to make any alteration in either they shall think fit, concluding your whole paper with these words, 'and this I understand as a part of my oath,' which is a treasonable invasion of the royal legislative power, as if it were lawful for you to make to yourself an act of parliament, since he who can make any part of an act may make the whole. Of the which crimes above mentioned, you, the said Archibald earl of Argyle, are actor and part, which being found by the assize, you ought to be punished with the pains of death, forfeiture, and escheat of lands and goods, to the terror of others to commit the like hereafter." Against the relevancy of this monstrous charge, Argyle's two advocates, Lockhart and Dalrymple, pleaded in an able manner, calculated to strike conviction to everybody's mind, and, although it was well understood that the government was determined on having a verdict against him, two of the ablest and most respectable of the judges declared against the relevance of the libel, while the other two, who were little better than tools of the government, gave their opinions against the prisoner. The earl of Queensberry, who presided as justice-general, and who had himself taken the oath with an explanation, declined incurring the risk or odium of giving his casting vote against Argyle; and to escape out of this difficulty, the court party, after midnight, sent for an aged and infirm judge, lord Nairn, who was brought from his bed into the court to turn the scale by his vote. When the clerk began to read over the proceedings, lord Nairn fell asleep, and was allowed to remain in that state till they were concluded, when he was roused and gave his vote for the relevancy of the charge. Next morning it

was announced in court that the judges had overruled the plea of Argyle's advocates, and decided that the charge was relevant.

The jury appointed to try the earl was formed of men selected for the purpose; the marquis of Montrose, the foreman, was notorious for his hereditary hatred to his house, and most of the others were personal enemies, as well as being tools of the government. They were, the marquis of Montrose, the earls of Linlithgow, Roxburgh, Dumfries, Airly, Perth, Dalhousie, and Middleton, the lords Sinclair, Lindores, and Burntisland, and the lairds of Gosford, Ballymain, Park, Gordon, and Claverhouse. Before this jury Argyle declined offering any defence, alleging that, since what had been said so well against the relevancy of the charge had been overruled, there was no need for him to give them any more trouble. In spite of the known character of the jury, the lord-advocate, before they retired, threatened them with a writ of error if they gave an improper verdict. They took but a short time to consider, and then gave it as their unanimous verdict that Argyle was guilty of treason and leasing-making, although by a majority of voices they acquitted him of perjury. The king, when he allowed of the council's proceedings against the earl, had ordered that sentence should not be pronounced upon him till they had communicated with him. A messenger was, therefore, immediately dispatched to court, with information of his conviction and a recommendation to the king to pronounce the sentence of death upon him, deferring its execution to his royal pleasure; and the king complied with the same ease as when he gave authority for the prosecution. Before the messenger's return, it was evident, from a variety of circumstances, that the duke of York made no doubt of the king's compliance, and that he was resolved upon Argyle's immediate execution; and it was even announced that he was on the point of being removed from the castle to the common jail, which was the mode of proceeding with peers preparatory to their execution.

Argyle had also dispatched a messenger to court, who no sooner obtained certain information that the king had confirmed the sentence of death against him, than he set off back to Scotland, and, having out-riden the messenger of the council by twenty-four hours, gave the earl full and timely warning of his danger. The same

evening, being visited in his prison by his step-daughter, the lady Sophia Lindsay, he went out with her in the disguise of a page holding up her train. It is related that, as he passed the castle gate, the sentinel, having some suspicion, seized him by the arm, which threw him into an agitation that made him drop the train. Lady Sophia, with the greatest presence of mind, turned round and snatched up her train out of the mud, and, assuming an air of passionate anger, she called him a careless loun, and struck him with it in the face, which was so besmeared with the dirt that it was no longer possible to recognise him. The sentinel then let him go without further observation, and he was carried to Mr. John Scott, minister of Hawick, under whose direction he rode to the house of Pringle of Torwoodlee. Pringle sent him across the border to Mr. Veitch, an exiled minister who was residing in Northumberland, and who undertook the further management of his escape, the details of which are so romantic, that they deserve to be given in Veitch's own words as he relates them in his *Memoirs*:—"Mr. Veitch," he tells us, speaking of himself in the third person, "carried Argyle under the name of Mr. Hope, in disguise, to one of his preaching stations on the sabbath, and on the Monday morning took him to a friend's house between Newcastle and Newburn, where he left him until he went on to Newcastle, and bought three horses for him and his two servants, which cost him about twenty-seven pounds sterling, which Mr. Veitch paid out of his own pocket, finding Mr. Hope scarce of money. Having done this, he ordered Mr. Hope's two servants to go to a change-house on the way to Leeds, seventeen miles from Newcastle, and he and Mr. Hope crossed Tyne at Newburn, and went to a bye inn over against Durham. They called next day for the servants, and took them along. On Thursday they went towards Rotherham, thinking to lodge four or five miles beyond it that night; but the day being very rainy, and he complaining he was wet to the skin, and seeing we must needs take up at Rotherham, we resolved to take the post-house, as least suspected, rather than a bye inn. We were not well in our chamber, and had got some faggots to dry us, when a livery-man, well mounted, and calling for the hostler, asked briskly, 'Come there not here some gentlemen shortly,' which put us all in fear. But, after inquiry, it was some gentle-

men's servants, who, having seen us before them upon the road, and thinking we might call at the post-house and take up the best rooms, had sent this fellow to see. Mr. Veitch calling for a flagon of ale, and a bottle of wine, and some bread, called for the landlord and landlady to drink with them, and talked a little, asking for several gentry in the country, how far they lived from that place, telling them that they were relations to some of his neighbour gentry in Northumberland. This he did that the landlord and landlady might know they were Englishmen, which happened well; for, while we were at supper, the post-boy coming from Doncaster gave his master a letter from that postmaster, which, after he had read, he at length reached it up to the table-head to Mr. Veitch, who was sitting there as the chief gentleman of the company, having Argyle's page now in disguise standing at his back. After Mr. Veitch had read it at great leisure, he was almost nonplussed what to think or say; for the narrative of the letter was to tell that Argyle was escaped out of the castle, and that there was five hundred pounds sterling bid for him, whoever should apprehend him. 'If you find him,' said the postmaster in his letter, 'and apprehend him in your road, let me go snips with you; and if I find him, you shall go snips with me.' He (Mr. Veitch) broke out by way of laughter, and said, 'Mr. Hope, here are admirable good news for you and me. The earl of Argyle is escaped, by these news; we that are travelling southward may come to hit upon him, for if he be come to England he will readily take bye ways; and, if we hit upon him, five hundred pounds reward will do us good service; only I fear he rides much these moonlight mornings. I could find in my heart to give my landlord a bottle of sack, to let his hostler direct us early in the way to Clown, and I promise, if we find the prize, he shall share of the reward.' To which the landlord replied, 'The hostler is at your honour's service;'—so Mr. Veitch called for a bottle of sack, to drink to their good success. They went early in the morning away, and searched the house, but found no one lodger. Ere they came to Clown they dismissed the hostler, and breakfasted at that place. After which Mr. Veitch sent the servants to the 'plume and feathers' at Nottingham, and sent Argyle upon the horse that carried the cloak-bag. So they rode that Saturday's night to Mr. Willis's

house at Glasswell, and staid there till Monday. It was one of Mr. Veitch's haunts, and he preached all the sabbath to the meeting. In the meantime Mr. Veitch, thinking upon the alarm given, and that things looked more dangerous and difficult-like, he thought fit to advise with an honest old Oliverian, captain Lockyer, about their safe getting to London; who generously offered to conduct my lord Argyle safely thither; which he did, bringing him first to Battersea, four miles above London, to Mr. Smith's, a sugar baker's house, whose lady was a very pious, wise, and generous gentlewoman. They were rich, and had no children." From London, Argyle, having evaded all pursuit, made his escape to Holland.

The duke of York and his creatures in Edinburgh were furious at the escape of their victim. As stated above, a reward was immediately proclaimed for his apprehension. The young lady Sophia Lindsay, who had contrived his evasion, was called before the privy council, and, so low was the state of real gallantry among these much-talked-of cavaliers, that it was proposed to have her whipped publicly through the streets of Edinburgh, and this proposal would perhaps have been carried out, had it not been stopped by the duke himself. In spite of the protest of the countess, that sentence could not be legally pronounced on her husband in his absence, the court proceeded against him in the most rigorous manner, and, to use the words of the record, no sooner was the king's approval known, than "the lords commissioners of justiciary adjudged Archibald earl of Argyle to be executed as a traitor, when apprehended; his name, memory, and honours to be extinct, and his arms to be riven forth and delete out of the books of arms, so that his posterity might never have place, nor be able hereafter to bruike (*possess*) or enjoy any honours, offices, titles, or dignities, within the realm, in all time coming; and to have forfeited, omitted, and tint (*lost*) all and sundry his lands, tenements, &c., to our sovereign, to remain perpetually with his highness in property."

This tyrannical proceeding excited great indignation through both kingdoms, and tended much to increase the popular hatred of the duke of York, and the melancholy

anticipations of what his government would be when he should have obtained the crown. A statement of the case was printed in London, and the proceedings of the government were so universally condemned, that lord Halifax, in talking of it to the king, told him, that he would not speak of what might be allowed by the law of Scotland, because he was ignorant of it, but that he knew the law of England would not hang a dog for such offence. The opposition to the test in Scotland was rather increased than diminished by the flagrant injustice shown towards the earl of Argyle, and we are told that the very hospital children made mockery of the crown lawyers. "The boys of Heriot's hospital resolved among themselves that the house-dog, belonging to the establishment, held a public office, and ought to take the test. The paper being presented to the mastiff, it refused to swallow the same until it was rubbed over with butter. Being a second time tendered (battered as above mentioned) the dog swallowed it; and was next accused and condemned for having taken the test with a qualification, as in the case of Argyle." Such is the anecdote handed down by a writer who was not partial to the presbyterian party, and it shows us how general was the feeling of distaste to the government, when it extended even to the children of the people. Among those of the opposition who had titles or property to lose, there was a general feeling of consternation. Some of the more obnoxious, such as the earl of Loudon, Dalrymple of Stair, and Fletcher of Saltoun, withdrew to the continent; while many of the nobility, among whom were the duke of Hamilton, the earls of Haddington, Nithsdale, Galloway, Cassillis, Findlater, Callendar, and Sutherland, the countess of Rothes, the viscount Kenmuir, and the lords Cardross and Torphichen, resigned their heritable jurisdiction, rather than take this oath; though four months afterwards Hamilton took it, and was restored to his offices and jurisdictions. A general feeling of alarm began to spread among the episcopalian party itself, when it was seen that even long and devoted loyalty was no protection against the vengeance which immediately followed the slightest opposition to the will of the duke of York.

CHAPTER V.

THE CAMERONIANS; DEATH OF LAUDERDALE; THE PERSECUTIONS INCREASE; THE RYE-HOUSE PLOT, AND ITS CONSEQUENCES IN SCOTLAND; AFFAIR OF ENTERKIN PASS; DEATH OF CHARLES II.

THE strict covenanters, or Cameronians, now only kept together in the wildest parts of the country, and met in small parties, under the shelter of caves or woods, or in the least frequented parts of the mountains, where they prayed, read the scriptures, and exhorted one another. Since the death of Mr. Cargil, they had no authorised preachers, and according to their principles of church government, there was nobody among them capable of ordaining ministers. In this dilemma, they managed to keep up a general correspondence among themselves, for the purpose of regulating their conduct, by means of delegates sent from each separate party or society to a general meeting. This plan was adopted towards the end of the year 1681, and the first general meeting was held at Logan-house in the parish of Lesmahago, in Lanarkshire, on the 15th of December in that year. At this meeting the covenanters agreed upon a declaration of their principles, and a warning to the people, in which they asserted their subjection to a lawful government as an ordinance of God, but declared that Charles Stuart, by his multifarious crimes, had forfeited his title to the crown. They enumerated those crimes, and protested against all the acts of himself and his parliament since the year 1660. On the 12th of January, a party of about forty armed men proceeded to Lanark, and there, after publicly burning the test act, they read this declaration, in which there was much that under the circumstances was unwise, and affixed it to the cross. The privy council was highly provoked at this proceeding, and as the actors in it could not easily be reached, a rather singular mode of retaliation was adopted. The solemn league and covenant, along with the Lanark declaration, was ordered to be burnt by the common hangman at the high-cross in Edinburgh, on a lofty scaffold erected for the purpose, in the presence of the magistrates and with great ceremony. Nor was this all, for the town of Lanark, which was quite unable to resist the band of armed covenanters who had invaded it, was fined six thousand marks for allowing the declaration to be published.

Soon after these occurrences, Scotland

was liberated from the presence, though not from the influence of the duke of York, for the success of the court party in England had enabled the king to recall his brother into that country. He paid a last visit to Scotland in the May of the same year (1682), and on his way narrowly escaped perishing by shipwreck. He now placed the government in the hands of three of his most devoted and obsequious friends, giving the treasurership to Queensberry, who was made a marquis; the office of justice-general to the earl of Perth; and that of chancellor to sir George Gordon, of Haddo, who was created earl of Aberdeen. Having thus appointed ministers of state to his liking, the duke, in taking leave of the council, recommended them to follow out rigorously the course into which he had led them, and urged them to send more troops into the western counties as the only means of enforcing obedience. The council, in return, thanked him for the excellent pattern of government he had shown them, and expressed their desire to proceed in future according to his mandates. He was no sooner gone, than in the same spirit they ordered general Dalziel to act with more severity against all who did not attend their parish churches, and to make strict inquiry after those who evaded pursuit. With him were joined the earl of Dumfries, and the lairds of Claverhouse and Meldrum, and they received a new commission for raising fines and penalties, and for confiscating property, which, as it has been remarked, was equivalent to a free permission to harass and plunder at will. At this moment, another meeting of delegates from the Cameronians, held at Talla-linn in Tweedmoor in the month of June, provoked the privy council to contrive new modes of oppression. All persons who should happen to hear of two or three of the Cameronians meeting together, and who should not give information and assist in raising the hue and cry against them, were to be considered equally guilty with the offenders; and as the legitimate magistrates were still believed to harbour a feeling of too much leniency towards offenders, their functions were further transferred to commissioners, chiefly

military officers, appointed by the council itself. Between the council and their commissioners, the country was filled with cases of infamous injustice, from which no rank in society was spared. The lady Douglas of Cavers was called before this kind of inquisition, and required to swear that she had not been present at any conventicle since 1679, which declining to do, she was fined five hundred pounds, and imprisoned two years in the castle of Stirling. A still more outrageous case was that of Hume of Hume, who was indicted on the 15th of November, 1682, of having appeared in arms in actual rebellion, but as the attempt to prove this charge failed entirely, they were compelled to drop it. He was, however, retained in custody, and a more full indictment was got up, to the effect that he had laid siege to the house of sir Henry M'Dowall of Mackerston, and demanded the delivery of horse and harness, but that finding the gates bolted against him, he had proceeded thence in martial array to Kelso, Selkirk, and Hawick, still endeavouring to seize munitions of war, and that he had resisted the king's troops and intended to join the rebels at Bothwell. It appears, as Hume asserted, that the whole foundation of this charge was that he had gone, with a single servant, to the house of sir Henry M'Dowall, for the purpose of purchasing a horse, and he offered to bring unobjectionable evidence in support of this statement; but it was decided by the lord-advocate and the judges that he should not be allowed to produce any exculpatory evidence, and the jury actually brought him in guilty of a crime with which he had not been charged and to which none of the evidence had sworn, that of commanding a party of rebel horse and besieging the castle of Hawick. Some of Hume's friends at court had procured a pardon for him, but it was deliberately held back by the earl of Perth, whose countess basely and coarsely insulted Hume's wife when she came to implore her interposition for his life, and he was carried to the gallows, where he met his death in an exemplary manner. A countryman named William Cochrane, was hanged merely because he would not say "God save the king," alleging as the reason of his refusal that in doing so he should be approving all the tyrannical acts and persecutions against his unfortunate brethren. His companion on the gallows was a pedlar of Stonehouse, named James Robertson,

who, when under examination before major White, declined answering questions the tendency of which was to criminate himself; upon which the major seized him by the nose and wrung it till the blood gushed out. He was closely watched by his guards in prison, and their captain, having observed him draw out a bible and attempt to join with a fellow-prisoner in worshipping God, rushed in and tore the book brutally from his hands. As they were carrying him to Edinburgh, they had to stay a night at Linlithgow, and the soldiers, in mockery, invited him to drink the king's health, which he refused; and in revenge, they tied him head and foot together, and left him in that plight lying on a damp floor all night. Next morning he was tied on the bare back of a horse, and carried in this manner to the capital, where he was immediately conducted through the form of a trial and hurried to the gallows. At the foot of the ladder he was about to speak to the people who were assembled as spectators, when the drums were immediately beat to drown his voice; and on his complaining of this as a cruel interruption, the town major, who in his official capacity attended the execution, beat him violently with his cane. Most of the minor agents of government in these unceasing persecutions were picked out as men of ferocious character, and they all seemed trained for that purpose. On one occasion, Irvine of Bonshaw, a man whose name is rather notorious in the history of this period, had arrested about thirty persons accused of not attending in church, and marched them from Hamilton to Lanark. Although it was a cold night in the month of November, they were confined in a hole so full of filth that they could neither lie down nor sit, and they were kept entirely without provisions or warmth. Next morning, horses were brought to convey them to Edinburgh, under the escort of a party of dragoons. The horses had been provided with bags of straw for saddles, which Irvine immediately ordered to be taken off. He then caused the prisoners to be tied by the arms in couples, placed them on the bare backs of the horses, and tied their feet together under the horses' bellies so tight that their ankles were lacerated by the cords. He conducted them in this posture at full gallop, and whenever their guards stopped on the road to carouse at a tavern, they were kept outside, without being released for a moment, and without any re-

freshment. Their sufferings were so great that for a considerable time after their arrival in Edinburgh they could neither stand nor sit.

On the 24th of August, 1682, the duke of Lauderdale quitted a world in which he had been the instrument of so much tyranny and injustice. His latter end was singularly wretched, for, broken down in body and mind by his intemperance and consequent disease, he was further subjected to the most cruel tyranny by the infamous woman whom he had made his wife. He appears to have been long despised by those who had formerly frowned upon him, and to have been deserted by most of his friends. The contempt which he had brought upon himself extended to his brother lord Hatton, who succeeded to the title of earl of Lauderdale. This nobleman had been deeply concerned in many of the most iniquitous proceedings of Lauderdale's administration. He had, in the trial of Mr. Mitchell, committed the most flagrant perjury, and as the proofs existed in writing, proceedings were commenced against him in parliament; but as it was feared that the honour of the king himself would be exposed by any further inquiry into Mitchell's case, they were allowed to proceed no further. Another affair, equally disgraceful, was afterwards brought to light. A charge had been brought against lord Bargeny of being accessory to the rising at Bothwell, but, as nothing whatever could be proved against him, he had been set at liberty on his security. He discovered afterwards that lord Hatton, the earl of Murray, and sir John Dalrymple, expecting by their condemnation of lord Bargeny to obtain his estates for themselves, had induced some prisoners taken at Bothwell-bridge, under a promise of rewarding them largely out of the forfeited estates, to give false evidence to the effect that not only lord Bargeny but the duke of Hamilton himself had been directly implicated in the rising. On the day of trial, it appears, the witnesses turned faint-hearted, and refused to swear, and he thus escaped. Lord Bargeny now threatened proceedings against Hatton, and offered to produce his proofs, but, as it was found that some of the duke of York's friends would be implicated, he was persuaded to desist. On the death of his brother, a new charge was brought against Hatton of malversation in his office of the mint, which involved him in ruinous proceedings, and he was dismissed from that and all his other offices.

The year 1683 was if possible more dis-

tinguished than that which preceded it by the intensity of persecution. The episcopal curates seemed to emulate one another in the activity with which they sought and informed against all persons who were absent from service or who prayed or read the bible at home in their families, or who were suspected of such offences. The powers of the commissioners sent round by the privy council were considerably enlarged, and as they shared extensively in the fines and confiscations, they failed not to make these heavy and to exact them rigorously. These agents of oppression were not contented with plundering those who were suspected of presbyterianism, but they now proceeded to increase their own gains by levying fines upon men who were totally exempt from such suspicions, on the plea that they had attempted to save others from their rapacity. Thus, Claverhouse lodged a complaint against sir John Dalrymple, alleging that he, in his office of heritable bailie of Glenluce, had interposed to save his own and his father's tenants from the penalties they had incurred by their disaffection to the episcopalian church, upon which, under the pretext that by his interference he had weakened the hands of the king's authority, Dalrymple was deprived of his office of bailie during his life, and subjected to a fine of five hundred pounds sterling. To prevent such interference in future, new powers were given to the military commissioners, which gave them a most arbitrary control over the lawful magistrates. The council now advanced a step in this system of persecution, by subjecting women and small children to fines, and making their husbands and fathers liable for the payment. It was declared that a child was capable of being fined when it had reached the age of seven years. To deprive the accused of all chance of a fair trial in the court of justiciary, the council obtained a letter from the king, at the beginning of the year, depriving him of the right of seeing a list of the jury before the trial, and ordered that the latter should be examined on their oath privately by the council before they went into court. The inutility of offering any defence now became so evident, that many who were accused attempted to secure their personal safety by giving up their property. When William Martin of Dallarg was brought upon his trial, on a charge of having been in rebellion, he asserted his innocence, but met the prosecution by producing in court a written renunciation of all his property to the king, in

the following words:—"Be it kend (*known*) to all men, me William Martin, eldest son of James Martin of Dallarg; forasmuch as I am pursued by the lords of justiciary, for alleged being in the rebellion of 1679, and seeing I am neither heritor, nor guilty of the said crime, therefore in their presence I renounce and resign in favour of the king's most excellent majesty, the lord high treasurer and treasurer-depute, all lands and heritages befallen to me, wherein I was infeoffed or had a right before the said rebellion or his majesty's gracious indemnity; and oblige me, my heirs and successors, to denude myself hereof *omni habili modo* at sight of the lord-treasurer or treasurer-depute, and consent these presents be registrated." The judges, satisfied with this concession, stopped the proceedings, and merely ordered him to give his personal security for his appearance when cited. Many followed this example, and procured their safety by sacrificing their estates, or preserved a part by giving up the rest. But the council made continual advances in their course of oppression, and they seemed resolved not to stop until they had all the landed property of Scotland at their mercy. William Laurie, tutor of Blackwood,—that is, guardian of Blackwood during the minority of his son by Maria Weir, the heiress of that estate, was a man residing in Edinburgh and not respected by either party, for the whigs looked upon him as a spy of the episcopalians, and the latter considered him as a mere tool on whose fidelity they could not reckon. It appears to have been the wish of the council to confiscate the estates of Blackwood, so they brought a prosecution against Laurie for conversing with and receiving rebels who had been at Bothwell, and allowing tenants of his who were engaged in the rebellion to return and reside on his lands. He alleged in his defence, that he was not an heritor, but only tutor of the estate; that, his usual residence being in Edinburgh where the rolls of the persons accused were not published, he had no means of knowing who were the reputed rebels; and that the persons with whom he was said to have conversed had neither been convicted, pursued, nor intercommuned, but had been included in the indemnity and resided openly in the country ever since. The judges, however, decided that if persons were in fact rebels or were strongly suspected to be rebels, it did not require their conviction to make it treason to converse with them; and upon this opinion

William Laurie was found guilty and sentenced to be beheaded. Upon his humble submission, and through the influence of the marquis of Douglas, whom he served in the capacity of steward, his sentence as far as regarded his life only was commuted. The difficulty, amounting nearly to an impossibility, of avoiding processes of this kind, may be imagined, when it is stated that the number of the persons actually accused was so enormous, that the rolls of names for Ayrshire consisted of upwards of three hundred sheets of paper, while there were upwards of two hundred in those for Lanarkshire.

To strengthen further the arms of the privy council in such cases, a proclamation was issued on the 13th of April, 1683, in which the king expressed his great satisfaction at the methods recently adopted by the council against the fanatic party, and his regret at the too great favour and indulgence he had previously granted them. He declared that it was now his firm resolution to extirpate entirely their seditious principles, and to maintain episcopacy by a more vigorous execution of the laws against all who had conversed or communicated with notorious rebels, although they might neither have been convicted nor even accused; and the king's advocate was ordered to summon before the privy council all who were suspected of conversing or communicating by chance or accident with the disaffected. The injustice and oppressive character of this proclamation was increased by the circumstance that, independent of the looseness of the term "notorious rebels," which might be stretched to include almost anybody, after the indemnity people had conversed with those who were included in it without dread, and that these were estimated to amount in the southern and western districts at not less than twenty thousand persons. No sooner, however, had the proclamation appeared, than circuit justiciary courts were appointed and sent round, which spread desolation over the country wherever they passed. Their proceedings were of the most vexatious kind, and descended to such trifling cases, that an individual at Stirling is said to have been brought up for trial on the charge of reviling the episcopal clergy because he had caused a piper to play "The deil stick the minister," whereas a number of fiddlers were ready to declare that it was the well-known name of a popular tune. As an example of the sort of justice which characterised these

courts, we may cite the case of Robert Hamilton of Monkland, whose charge was that he had held a council of war with the murderers of archbishop Sharp, or that at least he had conversed with them, and that he had received rent from a tenant who had been in the rising at Bothwell. The man thus accused did not deny his conversation with the rebels, but he said that he "had ever been orderly and loyal, had attended his parish church regularly, paid cess, and had never in any shape joined with the disaffected. So far from that, when they assembled in numbers near his property, he retired to avoid them; but learning that his son, a child about seven years of age, had after nightfall wandered, and supposing that some of his servants might have carried him to Shawhead-muir, where there was a crowd of spectators looking upon the encampment, he went thither and found him, but he did not when there either mix or rendezvous with the rebels, and in half-an-hour left the place and went to his own house. He continued for some days after to reside in Hamilton, whence he sent an earnest request to his brother-in-law, who was with the rebels, to leave them immediately, as their enterprise would be ruinous." With regard to his tenants, they had all, he said, embraced the king's indemnity, and therefore there was no treason in conversing with them. The king's advocate, with infamous sophistry, replied, "that the act libelled was treasonable, and circumstances could never palliate nor alter it; they could only prove the intention with which he went among the rebels, and about that he, the public prosecutor, was not at all obliged to inquire." The victim was condemned and sentenced to be executed, and his estates to be confiscated. He petitioned and offered to take the test, upon which, with some difficulty, his life was spared, and he was *only* imprisoned seventeen weeks, and fined to the amount of eight years' rent of his estate, which was sixteen thousand pounds. The eagerness with which men of property were pursued may be understood from the circumstance, that sir William Scott of Harden, having been fined fifteen hundred pounds sterling for his wife's absence from church, the king's advocate (Mackenzie) obtained a gift of the fine, and exacted it with interest. The test was every day carried more and more beyond its original intention, and was thus made continually a means of further persecution.

It was now enforced against those who exercised the duties of tutors or physicians in noblemen's and gentlemen's families, and was thus made to reach the presbyterian ministers, or young men brought up for the ministry, whose only means of subsistence was employment of this kind, and who had found in it a certain degree of protection.

It is no wonder that, under circumstances like those we have been describing, many of the best men in Scotland began to seek an escape from oppression and tyranny by relinquishing their country. In 1682, about thirty-six leading noblemen and gentlemen, among whom were the earls of Callendar and Haddington, lords Cardross and Yester, Hume of Polwart, and the two distinguished advocates, Lockhart and Gilmour, had entered into negotiation with the patentees of the colony of Carolina for the purchase of a large tract of country in which they might settle and enjoy their religion and liberty unmolested. It was at this time that the extensive plot was going on in England which was disconcerted by the discovery of the minor affair, known as the Rye-house plot, and the Scottish malcontents, in their journeys to London for their negotiations for the purchase in America, came into personal communication with the leaders of the English patriots, and entered warmly into their plans. Among the Scotchmen who entered most zealously into this conspiracy, were lord Melville, sir John Cochrane of Ochiltree, and his son, the two Campbells of Cessnock, Baillie of Jerviswood, Crawford of Crawfordland, and Stuart of Cultness. A communication was opened, through a presbyterian minister in exile, Mr. William Carstairs, with the refugees in Holland, and especially with the earl of Argyle, who proposed to raise the west of Scotland, stipulating for thirty thousand pounds to purchase arms, and that a thousand horse should be ready to join him on his landing there. The earl of Tarras, the brother-in-law of the duke of Monmouth, was to appear in arms on the border, and co-operate with the English conspirators. But as the latter were backward in their arrangements, their friends in Scotland became discouraged, and the design itself was laid aside or postponed. It was at this moment that, in consequence of the discovery of the Rye-house plot, the larger conspiracy became also partially known to the government, and was made the excuse at least for the execution of Russell and Sydney, and the

destruction for awhile of the last spark of liberty that appeared to exist in England. The Scots then in London were immediately suspected, and with the exception of Cochrane and Melville, who made their escape to Holland, they were arrested and sent to Scotland for trial. One of their friends, Gordon of Earlstown, who was on his way to the continent, was also seized at Newcastle on suspicion of being concerned in the plot. One of the first who was brought to trial was sir Hugh Campbell of Cessnock, whose process came before the justiciary on the 24th of March, 1684. But there was such an utter want of anything like evidence to connect him with a plot, that in order to secure his destruction, it was found necessary to get up a charge against him, founded on a pretended participation in the Bothwell insurrection; and as the age and virtues of the victim commanded universal respect, an order of council was passed to deprive him of the assistance of his ablest advocate, and the one most likely to influence the jury, sir George Lockhart. The whole charge against him was comprised in the words, "That having, in June, 1679, met with Daniel Crawford in (of) Galston, Thomas Ingram in Breland, John Fergusson in Catharingill, and several others of the rebels, at or near the bridge-end of Galston, he, the said sir Hugh, asked them where they had been; and when they had told him they had been with the westland army, he said that he had seen more going to them than coming from them; and having asked them if they were to return, they told him they knew not. Whereupon he treasonably said that he liked not runaways, and that they should get help if they would bide by it, and bade them take courage, or some such like words to that purpose." Campbell's advocates argued against the relevancy of the charge on the grounds, that it was an accidental meeting, in which the statement of the men that they came from the westland army did not necessarily imply that they were rebels, but that on the contrary it would appear more probable that they came from the king's army in the west; that the expression of a dislike to runaways was a mere opinion, which could not constitute treason; that in a casual conversation alleged to have occurred five years before, it was necessary to have the exact words that were uttered, whereas here they only pretended to give equivalents or synonyms, and the original words might

admit of a different interpretation; and that, even if treasonable, the speaker was protected against further pursuit by the king's act of indemnity in the same year, expressly prohibiting "any of his officers or subjects to pursue any person or persons, who had spoken, written, printed, published, or dispersed any traitorous speeches, or had advised anything contrary to the law." This argument was answered with quibbles, and the king's advocate contended that what the laird of Cessnock had said was equivalent to counseling and advising, and thus, amounting to art and part treason, was not included in the act of indemnity. The court approved of this distinction, and decided in favour of the relevancy of the charge. Upon this, Campbell's advocates would have pleaded an *alibi*, and offered to give proof that he had never been out of his own house during the day in question, and therefore could not have been at Galston-bridge end to utter the speech with which he was charged. The king's advocate replied that this plea could not be admitted, because it was contrary to the statement in the accusation, and might therefore infer perjury on the part of the witnesses, and because his house was only at a distance of half-a-mile from the bridge. The judges, with a singular perversion of justice, decided again in favour of the king's advocate, and the plea was rejected. They confirmed in the same manner the not less singular answer of the king's advocate to the plea that the witnesses were suborned, and that one of them had been heard to speak against the laird of Cessnock in words which implied deadly malice, namely, that subornation was no objection, unless the suborners were the plaintiffs in the case, which had not been alleged either of the king or of his advocate, and that the words attributed to one of the witnesses, having been uttered in a moment of passion, did not imply permanent hatred. Four days had been consumed in these pleadings, and it was not till the night of the fourth that the witnesses against the laird of Cessnock were brought forward to give their evidence. The first was the individual who was alleged to be influenced by malice against the panel, and when he stood up, Cessnock, fixing his eyes steadily upon him, said with great solemnity, "Take heed now what you are about to do, and damn not your own soul by perjury; for, as I shall answer to God, and upon the peril of my own soul, I am here ready to declare, I

never saw you in the face before this process, nor spoke to you." The witness, confounded by this appeal, immediately declared upon his oath that he never heard the laird of Cessnock utter any such words as those with which he was accused. This declaration produced a loud shout of applause from the spectators, which so incensed the king's advocate, that he exclaimed in a fierce tone, that "he believed Cessnock had hired his friends to confound the king's witnesses, and that he had never heard of such a protestant roar except in the trial of Shaftesbury; he had," he said, "always had a kindness for the presbyterian persuasion till now he was convinced in his conscience that it hugged the most damnable trinkets in nature." After this outburst had been appeased, the justice-general, the earl of Perth, who was interested in the case because a part of the forfeiture had been promised to his brother, lord Melfort, put the question to the witness again in a manner as he hoped to induce him to give the evidence the court had bargained for, and, receiving the same reply, would have put it a third time, but he was interrupted by one of the jury, Nisbet of Craigenfinny, who declared that, if they interrogated the witness twenty times, the jury would only have regard to his first answer. "Sir," said the earl, "you are not judge in this case." "Yes, my lord," said another of the jury, Sommerville of Drum, "we are the only competent judges as to the probation, though not to the relevancy;" and he was supported by the whole of the jury rising unanimously. The other witness, when examined, acknowledged that he had not seen the laird of Cessnock neither at the time the conversation was said to have taken place, nor during a long time before and after the rising of Bothwell. This answer produced another shout, to the great mortification and anger of the prosecutors, and the lord-advocate declared that if things were to be allowed to go on in that manner, the king would never be able to obtain any evidence of treason in the west. The jury finally acquitted the prisoner. But the ministers of the crown, instead of liberating their victim, sent him back to gaol, and he was taken thence to the prison of the Bass, and his estate forfeited, although he had actually been acquitted. The witnesses were also thrown into prison, and treated with such severity that they were compelled before the privy council to retract what they

had said; and the jurymen were prosecuted for a riot in court, and were forced to make an apology.

Disappointed at their want of success in this affair, chance threw into the way of the crown officers another opportunity of glutting their vengeance and rapacity. Some correspondence of the earl of Argyle, written in ciphers, had been seized in England, but nobody was found skilful enough to decipher them. However, Argyle's secretary, Spence, had been arrested in Scotland, and, as torture was not permitted by the English law, the letters were sent down thither, and it was determined that he should be tortured there, where it was allowed, in order to force him to declare the secret of the cipher. This, however, produced no effect, and the council, exasperated at the patience with which he supported it, gave him in charge to general Dalziel, with orders to appoint officers and soldiers in whom he could trust to watch over him in turns and prevent him from sleep day and night, and they were to take down in writing anything he might say. This also failed, and he was subjected to torture of a still more severe character, and at last, being told that government was in full possession of the secret, he was induced to confess and give up his key to the cipher, but not till he had received a solemn promise on the public faith that his discoveries should not be made use of judicially. As it happened, however, these discoveries were very imperfect; the letters were written in three alphabets, and Spence only possessed the key to one. But they implicated Carstairs, who was arrested, and by the same means as those tried on Spence, and on the same conditions, he also was brought to make a confession, which implicated the earl of Tarras and one or two other persons. From these persons enough was extracted to point out to the government one of the most respectable though the most hated of their opponents, the aged and virtuous Baillie of Jerviswood. The laird of Jerviswood was at this time sinking under a mortal disease, and fearful that his death might take place before his conviction, and thus disappoint them of the plunder of his estates, they hurried on his trial with indecent haste. He was placed under arrest, and his treatment produced a temporary aggravation of his disease. Under these circumstances, he was summoned before the privy council, to answer a charge

of receiving and conversing with rebels. As he was unable to attend in person, he petitioned for delay, or at least to be heard by counsel, but instead of granting his request, they sent him a paper of questions to which it was impossible for him to reply without criminating himself, and, on his refusing to do this, they proceeded against him as though the offence were proved, and fined him six thousand pounds sterling. Hitherto Jerviswood had been attended in prison by his wife and his sister-in-law, but the privy council, taking advantage of an unexpected abatement of the dangerous symptoms, deprived him even of this privilege, while they were preparing the graver process which was designed to bring him to the scaffold. A sudden relapse of his malady induced them to allow his sister-in-law to attend upon him again, probably less from compassion than from the fear that he might die before the forms of law could be gone through necessary for the confiscation of his estate, and she remained with him till his death. As his disease now increased rapidly, the council hurried on the trial with more precipitancy than ever, and to make as short work as possible of it, they even deprived him of the two advocates on whom he would have depended most for his defence, sir George Lockhart and sir John Lauder, by giving them retainers for the crown. At length, on the 22nd of December, Jerviswood was served with his indictment, and was ordered to appear in court on his trial the following day. He was now accused of joining with the popular party in England in a treasonable conspiracy to force the king to certain measures which were obnoxious to him; with being implicated in a plot for the assassination of the king and the duke of York (the Rye-house conspiracy); and with having been one of those who were to be instrumental in collecting ten thousand pounds to be sent over to the earl of Argyle for the purpose of purchasing arms. Jerviswood's advocates petitioned for delay, and urged that as far as regarded any alleged offences committed in Scotland, were concerned, he had already been punished by the fine, and that the treasons now pretended against him were all said to have been committed in England, and he therefore had a right to be tried there and to have the protection of the English laws. These objections were overruled, as well as those against the witnesses, who were, the earl of Tarras, who himself lay

under a process of high treason and could not therefore be considered as a free witness, and Monroe, the commissary, whose evidence had been extorted by torture. Even their evidence was insufficient, and to make it up, the council had the baseness to break its own faith given to Carstairs, who refused indignantly to appear in person as a witness, and produce in court the confession extorted from him. Even with this assistance, the evidence would have been insufficient to convict on a fair trial; but the king's advocate urged that it was more than that on which two men had been executed at Glasgow for the slaughter of two of the king's guards (a singular argument), and he aggravated the charges against his victim, with a degree of virulence totally unbecoming a court of justice. Jerviswood had come into the court wrapped up in his night-gown, and he was only supported during the trial by a frequent application of cordials. When at length permission was given him to speak, he addressed the court in a tone of eloquence as though he had suddenly risen above his bodily sufferings, and in the course of his address he seemed chiefly anxious to rebut the charge of having been privy to a plot for assassination. "I am probably," he said, "to appear in a few hours before the tribunal of the Great Judge, and now, in presence of your lordships and all here, I solemnly declare that never was I prompted or privy to any such thing; and that I abhor and detest all thoughts and principles for touching the life and blood of his sacred majesty or his royal brother. I was ever for monarchical government." In conclusion, he turned to the king's advocate, and feelingly appealed to him—"My lord, I think it strange that you should accuse me of such abominable actings; you may remember, when you came to me in prison, you said such things were laid to my charge, but you did not believe them. How then, my lord, came you to lay such a stain upon me with such virulence? Are you now convinced in your conscience that I am more guilty than before?" He paused for an answer, and sir George Mackenzie, confounded by the manner of the appeal, muttered the words, "Jerviswood, I own what you say; my thoughts were then as a private man, but what I say here is by special direction of the privy council." Then, turning to the clerk of the council, sir William Paterson, he added, "He knows my orders." "Well," replied Jerviswood, "if your lordship has

one conscience for yourself, and another for the council, I pray God forgive you—I do." At nine o'clock next morning, the jury gave their verdict, that Baillie of Jerviswood was guilty of the crimes with which he was charged; and he was ordered to be executed the same day. He heard his sentence with the utmost composure, and addressing his judges, before he was taken out of the court, he said, "My lords, the time is short, the sentence is sharp, but I thank my God, who hath made me as fit to die as ye are to live." He exhibited the same feeling of composure during his execution, which was performed with all the most disgusting minutiae directed by the old barbarous law. His head was ordered by the sentence to be affixed on the Netherbow port of Edinburgh, and his quarters to be sent to the towns of Jedburgh, Lanark, Glasgow, and Ayr. He had prepared a short speech for the occasion, but he was prevented from delivering it on the scaffold, and it was printed and circulated by his friends. In this document he denied his knowledge of any plot for the subversion of the government, and asserted that the sole aim of all his public conduct was the preservation of the protestant religion, the safety of his majesty's person, the continuation of the ancient government upon the foundation of justice and righteousness, the redressing of just grievances by king and parliament, the relieving of the oppressed and putting a stop to the shedding of blood. The government, having received information of this document, offered to deliver up Jerviswood's body to his relations, if they would cause it to be suppressed, but they were unwilling or unable to do this, and the full sentence was carried into execution, while his paper of justification was spread abroad to increase the hatred of the perpetrators of so many judicial murders.

But even the effect which might have been produced by extravagant examples of injustice like this, was soon lost in the universal persecution under which the kingdom suffered to such a degree, that the period which followed the events just related was long remembered popularly as the "killing-time." Some slight alterations had been made in the Scottish ministry during the year of which we have been speaking (1684), arising from personal intrigues at court. At the end of the preceding year, the king, apparently by his own motion, had appointed a committee of government, consisting of the seven high

officers of state, to whom the whole executive power was intrusted, and who were accountable only to the king. This arrangement is said to have been the result of the intrigues of the duchess of Portsmouth, who was hostile to the duke of York. It was said, also, that she was resolved to effect the dismissal of the earl of Aberdeen, who was looked upon as the most devoted creature of the duke of York in the management of Scottish affairs; but, according to others, Aberdeen is said to have been deserted by the duke himself on account of a very small but untimely show of moderation. When the question of punishing men for the absence of their wives from church was before the council, Aberdeen is said to have voted with the minority against it, alleging that though the husbands might be justly supposed to have the authority over their wives to prevent them from attending conventicles, it was not fair to consider that they would always be able to exert such influence as to enforce their constant attendance at church. The earl of Perth, the justice-general, who afterwards distinguished himself by the blind subservency with which he supported and carried out all James's arbitrary measures, proceeded to court to lay the matter before the king, and obtained his approval of the harsher application of the act as had been decided by the majority of the council. On his return, Perth was promoted to the office of lord chancellor, from which Aberdeen was dismissed, and the office of justice-general was given to the earl of Linlithgow, on whose active subservience the king and the duke of York could reckon without fear of being deceived. The effect of this slight alteration in the government appears only to have been an increase in the general persecution of the Scottish people, and it is impossible almost to picture now the desolation which spread through the country. Trade, commerce, and everything which contributes towards national prosperity, were destroyed or checked. To gratify the rapacity of the officers of the crown and their friends and followers, enormous sums were levied as fines, besides the numerous and extensive confiscations of landed property. In the county of Roxburgh alone, no less a sum than twenty-two thousand five hundred pounds sterling (an enormous amount at that time) was extorted from the landed proprietors, under pretence of the absence of their ladies from church, and in other

shires the proportion was still equal if not greater. It was no longer necessary that a person should be accused of any direct offence, to make him an object of attack; but persons of unsuspected loyalty, if their estate happened to be coveted by the tools of government, were accused of holding communication with rebels, and brought to the scaffold, and their estates to confiscation. In some cases even persons who, from the absolute want of evidence, were acquitted, incurred nevertheless the forfeiture of their estates; and persons who had been some time in their graves, were tried and condemned, in order to deprive their heirs or descendants of their inheritance. Such was the gloomy tyranny under which Scotland now groaned, that the mere expression of sympathy for one of the sufferers was sufficient to carry a man to the gallows; and it was dangerous even for his relatives to wear mourning for his death.

Nevertheless, it was in the midst of this universal gloom that the field conventicles were revived, which, as we have before stated, ceased when all the regularly-ordained ministers who were willing to share the fortunes of the "wanderers" had been executed or driven out of Scotland. In the summer of 1684, a minister who had taken shelter in Ireland, Mr. Alexander Peden, returned secretly into Scotland, and about the same time Mr. James Renwick came from the continent, and both proceeded at once to exercise the ministry among the proscribed Cameronians. A conventicle was held in the west, at which a hundred men in arms were said to have been present; and it was made an excuse for laying a new fine on the heritors in that part, for not preventing it, which it had evidently not been in their power to do. Another meeting was held in Nithsdale, at which about sixty men, well armed, attended. These took up an advanced position, to protect the meeting from any sudden attack, and to keep an enemy at bay until they could disperse and convey themselves to places of safety. Scouts were also sent out in all directions to bring early intelligence of the approach of any hostile force. Some of these brought in word that two troops of dragoons were coming to attack them, whereupon the meeting broke up, and dispersed, with the exception of about three hundred who remained with the armed men. The latter had posted themselves on the brow of a hill where cavalry could not act against them, and, as they presented a resolute

front, the dragoons did not venture to dismount and attack them on foot, but contented themselves with scouring the country in search of stragglers, and having captured the minister and a few other unarmed people, they were carrying them off prisoners to Edinburgh. When the armed countrymen heard of this, they resolved to attempt a rescue, and thirty-seven of them proceeded to Enterkin, where they posted themselves on the mountain, so as to command the narrow road along which the soldiers would be obliged to pass. The road at this place, hardly broad enough for two horsemen to pass abreast, ran along the side of the mountain, with the hill so steep as to be almost perpendicular above, and bordering a fearful precipice which overhung the narrow bed of a mountain torrent at an immense distance below, from which another mountain arose immediately and almost as precipitously. As the troopers with their prisoners proceeded rather stragglingly up this path, and their foremost men had nearly reached the top of the hill, they were suddenly arrested by a voice from above calling upon them to halt. As the hill was covered with mist, the dragoons could not see the person from whom the voice proceeded, and the commanding officer called upon him to say who he was and what he wanted. At the same instant about a dozen men showed themselves on the side of the hill just above the soldiers, and one who acted as their leader ordered them to make ready, and then turning to the officer he said, "Sir, will ye deliver our ministers?" "No, sir," replied the officer, "not an ye were to be damned." The interrogator instantly fired with such deadly aim that the ball passed through the head of the officer, who fell from his horse, and the latter, startled by the sudden attack, fell over the precipice and was dashed to pieces at the bottom. The position of the whole body of the dragoons was now in the highest degree critical, for the rest of the twelve countrymen had levelled their guns, and were just going to fire, the probable consequence of which would have been that a large proportion of their opponents would have been shot or precipitated into the horrible gulf below. To prevent this, the dragoon officer who now assumed the command of the party, called upon the countrymen to desist, and offered to parley. The leader of the countrymen replied that they wished not to do hurt to any of them, but that they must

have their minister and the other prisoners released; and the dragoons, finding it necessary to yield to these terms, set them at liberty. As the minister was going, the officer told him that he must promise to oblige the people to offer no further hindrance to the march of his troops, which he did, and then proceeded to join his friends, the officer telling him, on his departure, that he owed his life to "that damned mountain." "Nay," said he, "say rather, to that God who made this mountain." As the soldiers were preparing to resume their march, a few travellers appeared at the head of the pass, and perceiving the soldiers, they stepped a little up the hill to make way for them, as the narrowness of the road would not allow two parties to pass each other otherwise. The officer, imagining these to be a party of his armed opponents, called to the leader of the countrymen to keep his promise and order off the fellows he had posted in advance of him. "They belong not to us," was the reply, "they are unarmed people waiting till you pass by." "Say you so?" exclaimed the officer, ashamed at what he now supposed to be the small number of his opponents, "had I known that, you had not got your men so cheap, nor have come off so free." "An ye are for battle, sir," replied the countryman, "we are ready for you still; if ye think ye are able for us ye may try your hands, we'll quit the truce." "No," said the officer, "I think ye be brave fellows, so e'en gang your gate." Such is the common and certainly the most picturesque account of the affair at Enterkin, which is told somewhat differently by different writers, and it appears certain that one prisoner was eventually carried to Edinburgh. This spirited rescue, however, increased the vigilance and activity of the government, and an ambulatory commission was sent round to examine into all the circumstances connected with it, and to punish all who might even be suspected of favouring or sympathising with the wanderers.

The fury of persecution seemed now again to increase. During the earlier part of the year, the prisoners of lower condition, instead of being put to death, were shipped off as slaves to the colonies, and several cargoes had been disposed of in this manner; but now there came an order for a general gaol-delivery in the capital, and they were all to be executed within six hours after their sentences had been respectively pronounced.

The prisoners at Glasgow and Dumfries, as a mark of greater severity towards the west and south, were allowed only three hours between sentence and execution. The military in these parts were also increased in number, and received strict orders to rid the country of all vagabonds and "skulking rogues;" and their officers had not only powers to supersede the ordinary magistrates at will, and to delegate those powers to others, but the privy council assumed a still more unconstitutional power of removing at their pleasure the legitimate magistrates of burghs, and putting creatures of their own in their places. So intent were they upon the destruction of their victims, that a proclamation was now put forth by the privy council, prohibiting captains of vessels from leaving the kingdom until they had given in, upon oath, a list of their passengers, and individuals were not allowed to go from shire to shire without a formal passport. When the circuit sat down in the west and south in the month of October, the number of victims was great, and the proceedings were of the most summary character. All the heritors were now summoned, and required to take the test, as a proof of their loyalty. The population in general were brought up before these courts, and compelled to swear that they did not listen to presbyterian ministers, that they never had nor never would have converse with any of the intercommuned or the "wanderers;" and that, if they should happen to discover or learn their places of concealment they would immediately raise the hue and cry upon them. The inhibition against conversing with the intercommuned was carried to such an extent of rigour, that wives were forbidden to hold any communication with their husbands, or parents with their children, and even the common forms of law were dispensed with in the proceedings against persons accused or suspected of offences of this description. One of the more remarkable trials of this period, on account of its fearful injustice, was that of Porterfield of Douchal, who was charged with conversing with his own brother, with suffering a fugitive to dwell on his estate, and with concealing an application made to him by sir John Cochrane for a charitable donation of fifty pounds towards the support of the earl of Argyle in his exile. His answer to these charges was, that for a number of years his brother had lived peaceably and conversed without molestation with all the authorities in the county; that the fugitive lived upon

his father's estate, but had been turned off, and had enlisted in the army; and that, with regard to the earl of Argyle, he had been asked for money for him and had refused, and that having done so, he had not considered it necessary to say anything more about it. The crown lawyers, however, argued the matter thus, resting only upon the last article of the indictment. Argyle, they said, was a traitor, and, as it was treason to support a traitor, therefore it was treason to solicit support for a traitor, as well as to conceal the designs of a traitor; by consequence of which, Porterfield, who, having no relationship whatever to the earl of Argyle, had been asked for a subscription for his support and had refused, but had not informed the government of the application, was guilty of high treason. This view of the question was confirmed by the iniquitous judges, and the aged laird was condemned to the scaffold and his estates were forfeited. The way in which he met his fate drew sympathy from everybody, and even the king's advocate, sir George Mackenzie, was ashamed of the sentence, and affected to call Porterfield of Douchal "the lord Melfort's martyr." This title indeed was appropriate in more senses than one, for lord Melfort, who sat as the judge on this occasion, received from the crown a grant of the forfeited estates.

The severity of these proceedings gradually produced the effects which were looked for by the court. The heritors in general submitted, and went through the forms with which they were required to comply. But the Cameronians, or resolute covenanters, under the various appellations of fanatics, or mountain-men, or wanderers, which were contemptuously bestowed upon them, still held firm to their principles, and wandered through the wild and less accessible parts of the country, exposed to every sort of privation, with a price always set upon their heads. Of the horrible proceedings against these victims of persecution many minute particulars are preserved in the personal memoirs of some of the sufferers. One of these was James Nisbet of Hardhill. A party of his friends had fled from the house of one of his kinsmen, on the approach of a party of the king's troops, who seized upon his brother, a mere child. "When," says Nisbet, "the people of the house saw the enemy coming, they fled out of the way, but the cruel enemy got my dear brother into their hands. They examined him concerning the persecuted people, where they haunted, or if he knew

where any of them were, but he would not open his mouth to speak one word to them. They flattered him, they offered him money to tell where the whigs were, but he would not speak; they held the point of a drawn sword to his naked breast, they fired a pistol over his head, they set him on horseback behind one of themselves to be taken away and hanged, they tied a cloth on his face and set him on his knees to be shot to death, they beat him with their swords and with their fists, they kicked him several times to the ground with their feet; yet after they had used all the cruelty they could, he would not open his mouth to speak one word to them; and although he was a comely proper child going in ten years of age, yet they called him a vile, ugly, dumb devil, and beat him very sore, and then went on their way leaving him lying on the ground sore bleeding in the open fields." It was in this manner that the very children were trained up in steady resistance to the tyranny of the government. Failing in their attempt to extract anything from the child, the "enemy" adopted a more insidious mode of proceeding. "They disguised one of themselves, a fair, well-favoured young man, in women's clothes, like a gentlewoman, giving out that she was a cousin of our own come from Ireland to invite us over to our friends there, because they had heard of our troubles in Scotland. This gained credit among our friends, who knew where we were, especially seeing the metamorphosed, he was so like our family, and because of the other probabilities of his discourse; and so he got exact notice where we were, and returning back to his garrison gave them an account; and so next morning the whole troop came all out on horseback to the place where we were, about two miles distant; but half-an-hour before the enemy came where we stayed, my mother sent me about some business to my father, who was two miles farther off on the other side of a moss. When I came where my father was met with some other christians for prayer at the utmost edge of the moss, amongst them I found my mother, and the rest of her children, all in alarm. I thought it strange to see them alarmed, and to find my mother there, she having no thought of it when I left her, till she told me, that about a quarter-of-an-hour after I left her she saw the enemy coming, and had not above five or six minutes to shift herself and children to the moss." The mountains and the moors were now patrolled in every direction by

parties of king's troops, and we could hardly imagine, without these minute narratives of the sufferers, the extent of the hardships they had to undergo, or the perils to which they were exposed. One of his escapes is thus told by Mr. Nisbet: "In the morning," he says, "the servants and I went to work in the fields, where, before nine o'clock in the morning, we saw a troop of dragoons coming at the full gallop. Mr. Peden [the minister] and those that were with him in the house fled, which we at work knew nothing of, but we ran every one as providence directed; and the watchful providence of God, which was ever kind to me, led me as by the hand to a moss two miles distant from where we were working, to which these, with Mr. Peden, had fled for shelter, which I knew nothing of till I came thither; the way to it was through very steep and ascending ground. Two of the dragoons pursued me very hard, but, spying another man following me, him they pursued off at the right hand of my way. They fired at him, but it pleased the Lord he escaped at that time. Other two of them came in chase of me. I was sore put to it for my life. The day was very hot, the sun bright in my face, and my way mountainous; yet the Lord was very kind to me, and enabled me to run. I had sometimes thought of turning to this hand, and sometimes to the other, and also I had often thought to dive into the moss water pits and save my head in the bullrushes, yet I was overpowered beyond my inclination to keep on in my way to the moss where the rest were, at the edge of which there was a bog or morass about ten or twelve yards broad, to which my good guardian, kind providence, brought me at last; and here the Lord was a present help in the time of need to me, for just as I was got through the bog, and drawing myself out of it by the heather of the moss, the two dragoons came to the other side, but seeing they could not get through to me with their horses, they bad me stand dog and be shot; they fired upon me, but God directed the ball by my left ear. I, finding I had escaped the shot, ran farther into the moss. Kind providence led me just where my persecuted friends were lurking in a moss-bog, about twenty in number, at meeting with whom I was gladly surprised, but being so run out of breath, it was sometime before I could speak any. We stayed there some time, till a second troop joined the first troop; and seeing them dismount their horses to take the moss on their

feet to search us out, we drew off and travelled the midst of the moss. They seeing this, horsed again, and pursued us by the edge of the moss, but we always kept ourselves on such ground where horses could not come. We ran that day, hither and thither, backwards and forwards, above thirty miles. We got no manner of refreshment all that day but moss-water to drink, till night, then each of us got a drink of milk. Mr. Peden left those that were with him and went one way, and I left them and went another. I lay that night far from any house, among the heather. The next day when I wakened, after the sun rose, I saw about two hundred foot and horse searching all the country far and near, but I seeing no way of escape unobserved by the enemy, I clapped close among the heather, and not one of the enemy came near the place where I lay."

While the covenanters were thus hunted out and driven from place to place, and exposed to the insidious arts of informers, or slaughtered like wild beasts by any of the agents of persecution who met them, the "wanderers" resolved to have recourse to retaliation, hoping probably that this might in some cases check the eagerness of the pursuit. They accordingly drew up a sort of manifesto, which was entitled an "apologetical declaration," in which they stated that, although they abhorred the doctrine that people might be killed for differing from others in judgment or persuasion, they considered it their duty to treat as enemies to God and his covenant all those who openly shed their blood, or sought by giving secret intelligence to effect their destruction. They, therefore, warned informers that they were now risking not only the salvation of their souls, but the safety of their bodies also. This declaration was in many cases affixed to the market-crosses in small towns and to church doors, and it so terrified the more active informers, that many of the curates, who had distinguished themselves by their bitterness against the presbyterians, left their parishes and went to districts where they had provoked no hostility of this kind. The government was highly incensed at this proceeding, and it was ordered that persons should be seized and subjected to the most cruel tortures to force them to confess who were the authors of the "apologetical declaration." This was followed by measures of more general and atrocious severity; and it was ordered that all persons suspected should be called before

the military courts, and unless they disowned the declaration by oath they were to be shot immediately. In case any one did not appear when summoned, his house was to be burnt down, and his goods confiscated. All the members of the families of those who were shot, or who neglected to appear, were to be sent to the colonies and confined as slaves. More troops were placed under the command of lieutenant-general Drummond to assist in reducing the western parts, and Hamilton of Orbiston was authorised to bring the highlanders into the districts of Dumbarton and Renfrew. A proclamation was then issued, ordering all heritors, or their factors and chamberlains in their absence, to call together the inhabitants of their lands, and bring them before the officers appointed by the privy council to exact from them an abjuration of the declaration, and a promise on oath never to assist or hold communication with any of its authors, but to give every help towards

their discovery. Each person, as he took this oath, received a certificate; and a new sort of outlawry was instituted, by which even an innkeeper on the public roads was subjected to a severe penalty if he gave any kind of entertainment to any individual who did not first show his certificate and aver that he was ready to declare upon oath that he was the person named in it.

In the midst of these proceedings, on the 6th of February, 1685, Charles II. died at Whitehall; and on the same day his brother the duke of York succeeded to the crowns of all his kingdoms, under the title in England of James II., and in Scotland of James VII. On the 10th of the same month, a proclamation to that effect was published at the high-cross in Edinburgh, and his accession was announced with the loudest congratulations, although the character of the new reign was already sufficiently announced by the king's having set aside the coronation oath.

CHAPTER VI.

FIRST PROCEEDINGS OF THE NEW REIGN; MEETING OF PARLIAMENT; ARGYLE'S INSURRECTION;
EXECUTION OF THE EARL OF ARGYLE.

THE joy with which the council welcomed the accession of their new monarch, and the servility with which they acknowledged his absolution, and allowed him to set aside the coronation oath, were sufficient proofs of their conviction that they had in him an approver of all that they had done or could do against the religion and laws of Scotchmen, and accordingly, the first months of the new reign were marked by an excess of persecution even over that of the period immediately preceding. A pretended act of indemnity was published, so contrived that it only reached that class of the population who, in a pecuniary point of view, was not worth the trouble of persecuting, except to those to whom, when not otherwise employed, persecution was a pastime, and who, for the same reason, had not the power of taking advantage of it when they were in need of protection. The judiciary courts in the west and south at the same time received orders to proceed with vigour, and

the punishment of death was denounced so lavishly, that people's lives were placed simply at the discretion of the first party of soldiers who happened to meet with them. It was death to be found in the fields uttering a prayer, or even in possession of a bible; to be suspected of being on the way to or from a sermon; or to refuse to take an arbitrary oath which was administered to them; and every petty officer, nominally with a military jury, but virtually without any, had power to execute summary judgment. The natural and inevitable consequence was, that, as the soldiers were chosen for their savage and unprincipled character, and their officers were men fitted in every way to command them, and acted under the knowledge that the greater the cruelty they showed the greater also would be their reward, people were daily put to death in the fields where they were at work or in their houses on the slightest pretexts or without any pretext at all, and under such

men as Grahame of Claverhouse these "field murders," as they were termed, became daily more and more common, and many of them were attended with circumstances of wanton barbarity. One of these acts, perpetrated at the period of which we are now speaking, excited a greater sympathy than might be expected from the position in life of the victim. Early one morning Claverhouse was marching with three troops of dragoons from Lesmahago, in the shire of Lanark, and passing through the parish of Muirkirk, he came unexpectedly upon a man named John Brown, as he was occupied on the moor preparing peat for fuel, or, as it was termed, "casting peat," at a distance from his house. This Brown was an individual who possessed a small piece of ground in a solitary spot, and who exercised the occupation of a carrier, but he was a man of intelligence superior to his station, and was greatly respected by the presbyterians in general, and especially by the wanderers, and as much disliked by the episcopalian clergy of the neighbourhood. Brown was immediately carried to his own home by Claverhouse and his troopers, and there subjected to a rigorous examination, but his answers were so satisfactory, that they afforded no handle against him. Claverhouse then interrogated the people whom he had taken and brought with him as guides, inquiring of them if Brown had been in the custom of preaching, and, on receiving an answer in the negative, he observed, "I am sure if he has never preached mickle, he has prayed weil in his time;" and turning to his unfortunate victim, he said, "John, go to your prayers, for you shall immediately die." The scene is said to have been so affecting, that it touched even the hearts of the soldiers, accustomed as they were to such acts of barbarity. Brown's wife stood weeping by his side, with one infant in her arms and the other standing by her, and when her husband had ended his prayers, in which he was twice interrupted by Claverhouse, the latter told him to take good night of his wife and children. "Marian," said he, "now the day is come which I told you would come, when I first spake of marrying you." "Indeed, John," she replied, in the same tone of resignation and affection, "I can willingly part with you." "That," he said, "is all I desire;" and having kissed her and his children, and signified that he was ready, Claverhouse ordered his soldiers to fire. But they were so much overcome

by the scene they had witnessed, that they refused to obey. Upon this, Claverhouse drew his own pistol, and shot Brown dead. He then turned to his wife, and said tauntingly, "What thinkest thou of thy husband now, woman?" She replied in the same spirit of resignation, "I thought ever much of him, and as much now as ever." Claverhouse retorted by the brutal remark, "It were but just to lay thee beside him;" to which she answered, "If ye were permitted, I doubt not but your cruelty would go that length; but how will ye make answer for this morning's work?" As he mounted his horse to ride off with his troops, Claverhouse is said to have replied in scorn, "To men I can be answerable, and as for God I will take him in my own hand." This sanguinary persecutor was but one among a host, although in the sequel he outdid in the number of his atrocities all his fellows. Six persons were surprised at prayer in the parish of Minigaff in Galloway, by a troop of horse under colonel Douglas, a brother to the duke of Queensberry, who ordered them all to be shot immediately, for no other offence than the occupation in which they were engaged. Six covenanters were seized by a detachment under captain Bruce, on the moor of Lochenket in the parish of Orr, and four of them were immediately shot without examination; the other two were carried away, and required to take the oath of abjuration, which they refused, and were hanged upon an oak tree. Examples like these might easily be multiplied.

It now began to be rumoured that the duke of Monmouth and the earl of Argyle were preparing, in their exile, to take advantage of the discontent in the two kingdoms, in order to land and head an insurrection against the present oppressive governors. These rumours, and the evident increase of the "wanderers," by the number of persons whom the rigours of the general persecution drove into their ranks, served to give a new edge to the persecution itself. Under pretence of anticipated rebellion, additional forces were sent into the suspected districts, with orders to act with the utmost vigour, and to shoot on the spot, without any form of trial, all who should be found with arms; recourse was again had to free-quarterings, and the highlanders were recalled to repeat their former ravages. Claverhouse had gradually reduced his atrocities to a system; dividing Nithsdale, Annandale, and the other districts placed under his command into por-

tions of from six to eight miles square; he took one of these portions in its turn, surrounded it with bodies of cavalry to prevent any of the inhabitants from escaping, and then caused his foot-soldiers to pass through it and drive them all, men, women, and children, into one place. There they were surrounded by troops, and each man was taken separately, asked if he owned the duke of York as king, and sworn to passive obedience. If any one hesitated, he was carried away from the others, and being placed on his knees, with his eyes banded, the soldiers fired over his head. He was then offered his life if he would promise to inform against all "disloyal" persons of whom he had any knowledge, and many yielded to this terrible trial and made the promise required. They were further compelled to take the oath of abjuration, and a declaration was finally exacted from them that they renounced all part in heaven if they ever repented of having taking it. The next proceeding was to collect all the children between six and ten years of age, who were placed together before a row of soldiers, and told to say their prayers before they were shot. While in this state of terror they were interrogated as to whom they had seen with guns and swords in their hands, who had received food at their houses, or who had given it at the doors, with a variety of similar questions. The information thus obtained and used, was followed by a terrible visitation on those who were implicated by it.

When the individuals informed against could be taken, they were carried before the military commission court, whence they had little chance of escaping but by death. At Wigton there was a small heritor named Gilbert Wilson, who, with his wife, had conformed. They had two daughters, of the respective ages of thirteen and eighteen, who, because they had refused or neglected to attend the preaching of the curates, had been driven from their home and obliged to wander in the wilds. After the death of the king, imagining the danger was less, they had repaired secretly to the house of an aged widow in Wigton, Margaret Mac Lauchlan, who was well known for her piety. Here one of the government spies betrayed them, and they were surprised with the widow while she was at her family devotions. The two girls were carried away, thrown into the hole in the prison where thieves were confined, and, with the widow, they were actually indicted for the rebellion

at Bothwell-bridge, at the time of which event the eldest of the two girls could have been but twelve years of age, and the younger hardly five. Nevertheless, they were all found guilty, and, as they refused to take the oath of abjuration, were sentenced to be drowned. Gilbert Wilson was allowed to purchase the life of his younger daughter for the sum of a hundred pounds sterling; but the two others were carried for execution, and were attached separately to stakes fixed on the beach within the flood-mark. As the widow was placed furthest in the water, she was drowned first, while her companion witnessed all her struggles until she expired. Unshaken, however, by this sight, she waited for her own death, singing composedly a portion of the twenty-fifth psalm, and repeating a chapter of the epistle to the Romans. She then, as the water flowed over her, uttered a prayer, but, before she was dead, she was snatched out of the water, and as soon as she had sufficiently recovered, asked if she would pray for the king; to which she replied, that she wished the salvation of all men, and desired the damnation of none. One of the spectators, moved at the cruel treatment of so young a person, said to her urgently, "Dear Margaret, say God save the king." She replied, "God save him, if he will, for it is his salvation I desire." Some relatives who were present, took advantage immediately of this exclamation, and telling major Windram, who superintended the execution, that she had said it, urged him to release her. He tendered her the oath of abjuration, which she refused, and he immediately ordered her to be thrown into the water, where she expired. Such were the barbarities exercised upon all who preferred any extremity to violating their own consciences; yet they were far from producing the results which were expected from them, for the disaffection to government became more general, and the number of wanderers increased rapidly instead of diminishing.

It was the king's object now to obtain a legal act of toleration for the Roman catholics, and, knowing the servility of parliament, he anticipated no difficulty in effecting it. Accordingly, a meeting of parliament was called for the 28th of April, to which the duke of Queensberry was appointed the king's commissioner. It was opened with a letter in which James declared that his main object in calling the estates together was the hope that they would give further

force to his prerogative and adopt still more rigorous proceedings against the fanatics. "The many experiences we have had," he said, "of the loyalty and exemplary forwardness of that our ancient kingdom by their representatives in parliament assembled, in the reign of our deceased and most entirely beloved brother, of ever-blessed memory, made us desirous to call you at this time, in the beginning of our reign, to give you an opportunity, not only of showing your duty to us in the same manner, but likewise of being exemplary to others in your demonstrations of affection to our person, and compliance with our desires, as you have most eminently been in times past to a degree never to be forgotten by us, nor, we hope, to be contradicted by your future practices. That which we are to propose to you at this time, is what is as necessary for your safety as our service, and what has a tendency more to secure your own privileges and properties than the aggrandising our power and authority, though in it consists the greatest security of your rights and interests; those never having been in danger except when the royal power was brought too low to protect them, which now we are resolved to maintain in its greatest lustre, to the end we may be more enabled to defend and protect your religion as established by law, and your rights and properties—which was our design in calling this parliament—against fanatical contrivances, murderers, and assassins, who, having no fear of God more than honour for us, have brought you into such difficulties as only the blessing of God upon the steady resolutions and actings of our said dearest royal brother, and those employed by him, in prosecution of the good and wholesome laws by you heretofore offered, could have saved you from the most horrid confusions and inevitable ruin. Nothing has been left unattempted by those wild and inhuman traitors for endeavouring to overturn your peace; and therefore we have good reason to hope that nothing will be wanting in you to secure yourselves and us from their outrage and violence in time coming; and to take care that such conspirators meet with their just deservings, so as others may thereby be deterred from courses so little agreeable to religion or their duty and allegiance to us." After stating that he had intended to open this parliament in person, but that being by circumstances prevented, he had appointed the

duke of Queensberry as his representative on this occasion, the king went on to say,— "We do therefore not only recommend unto you, that such things may be done as are necessary in this juncture for your own peace and the support of the royal interest, of which we have had so much experience when amongst you, that we cannot doubt of your full and ample expressing the same on this occasion, by which the great concern we have in you our ancient and kindly people may still increase; and you may transmit your loyal actions as examples of duty to your posterity."

The commissioner and the chancellor, in their several speeches, enlarged upon the king's generous qualities, and especially of his princely care for the protestant establishment and for the episcopal clergy, and they spoke in still stronger language of the abominable principles and designs of the fanatics. As the test had excluded every one from parliament who was likely to differ from these sentiments, they were listened to with the utmost complacency, and the estates unanimously agreed to an address to the king, in answer to his letter, which is worth preserving among the more remarkable records of these gloomy times:—"May it please your sacred majesty," they said, "your majesty's gracious and kind remembrance of the services done by this your ancient kingdom to the late king your brother, of ever glorious memory, shall rather raise in us ardent desires to exceed whatever we have done formerly, than make us consider them as deserving the esteem your majesty is pleased to express of them in your letter to us dated the 28th of March. The death of that our excellent monarch is lamented to us by all the degrees of grief that are consistent with our great joy for the succession of your sacred majesty, who has not only continued but secured the happiness which his wisdom, his justice, and clemency procured to us; and having the honour to be the first parliament which meets by your royal authority, of which we are very sensible, your majesty may be confident that we will offer such laws as may best secure your majesty's sacred person, the royal family, and government, and be so exemplarily loyal as to raise your honour and greatness to the utmost of our power, which we shall ever esteem both our duty and interest; nor shall we leave anything undone for extirpating all fanaticism, but especially those fanatical murderers and

assassins, and for detecting and punishing the late conspirators, whose pernicious and execrable designs did so much tend to subvert your majesty's government, and ruin us and all your majesty's faithful subjects. We can assure your majesty, that the subjects of this your majesty's ancient kingdom are so desirous to exceed all their predecessors in extraordinary marks of affection and obedience to your majesty, that, God be praised, the only way to be popular with us, is to be eminently loyal. Your majesty's care of us when you took us to be your special charge, your wisdom in extinguishing the seeds of rebellion and faction among us, your justice, which was so great as to be ever exemplary; but above all your majesty's free and cheerful securing to us our religion, when you were the late king your royal brother's commissioner, now again renewed when you are our sovereign, are what your subjects here can never forget. And therefore your majesty may expect that we will think your commands sacred as your person, and that your inclination will prevent our debates. Nor did ever any who represented our monarchs as their commissioners, except your royal self, meet with greater respect or more exact observance from a parliament than the duke of Queensberry, whom your majesty has so wisely chosen to represent you in this, and of whose eminent loyalty and great abilities in all his former employments this nation hath seen so many proofs, shall find from, may it please your sacred majesty, your majesty's most humble, most faithful, and most obedient subjects and servants." In the true spirit of this servile address, the estates proceeded to pass an act in confirmation of the church as established and of the king's prerogative and supremacy, in which they declared their abhorrence and detestation of all principles or opinions contrary to or derogatory of the king's "sacred, supreme, sovereign, absolute power and authority;" and they added that "none, whether persons or collective bodies, could participate of it, in any manner of way, or upon any pretext, but in dependence on him, and by commission from him." By other acts they offered their lives and properties in defence of the king; annexed the assize to the crown for ever; legalised all the acts of the privy council which had been passed in the absence of parliament; and gave a full indemnity to the privy council, judges, and all officers of the crown, civil

and military, for whatever violences or illegal acts they might have perpetrated.

Not content with what had already been done, this parliament gave new severity to the laws against the covenanters. It was declared to be treason, and punishable with death, not only for any one to administer or receive the covenants, or to write in their defence, or acknowledge their obligation; but for expounding the scriptures or worshipping God in a private house, if there were five persons more than the members of the family present. It was further enacted, that all persons who, being cited as witnesses in these or the like cases, refused to give testimony, should be liable to the punishment due to the delinquents or suspected delinquents; an iniquitous law, which was designed to force persons to discover the secrets of private friendship. The imposition of the test received a further extension, which was now carried so far, that it was only by accident that women were not included, though it was so contrived that papists were exempt. A number of persons who had been recent objects of the vengeance of the court, including sir John Cochrane, sir Patrick Hume, lord Melville, Pringle of Torwoodlee, &c., with the two Cessnocks, were declared to be forfeited, and their whole estates, with those of the earl of Argyle and Baillie of Jerviswood, were given to the crown. This system of plunder had now grown to such a head, that the very men who had profited by it began to fear that it might eventually be turned against themselves, and they endeavoured by an indirect expedient to protect their estates against the rapacity of the crown. This expedient was the introduction of the law of entail, which gave merely a temporary interest in the lands to those who were in possession, and this temporary interest; they expected, would be all that, under the laws of Scotland, the person convicted of treason would forfeit.

While things were in this state in Scotland, a movement was already commencing in Holland, which was destined to end in the entire overthrow of the tyrannical government which bore so heavily on the three kingdoms. The exiles had, since the accession of James, lost all hopes of improvement in the circumstances of their country except by violent means, and to these they now resolved to have recourse; but their first plans were conceived hastily, and failed from want of union and confidence. Among the

exiles were two men, to whom circumstances had given an especial interest in the success of an enterprise of this kind, in either kingdom. The first was James duke of Monmouth, the natural son of king Charles, who no doubt aspired to the crown; the earl of Argyle sought nothing beyond the triumph of the covenant, and even in seeking that he was perhaps urged on chiefly by his personal injuries. There was another man who held great respect among the Scottish exiles, and enjoyed their confidence to the highest degree; this was sir Patrick Murray, who had been more constant in his principles than Argyle, and is believed to have reckoned on the possibility of establishing a commonwealth. It might have been difficult to prevent divisions among leaders of so much diversity of character, even without the particular circumstances which produced the disputes. The earl of Argyle had been for some time preparing for a descent upon the coast of Scotland, and had been in communication with his friends for that purpose. He had procured through his own interest a sufficient sum of money, with which he had purchased the arms and ammunition necessary, and as all this had been done by himself, he naturally assumed the command of the projected expedition. At a meeting held at Rotterdam, Argyle admitted his fellow-countrymen in exile to participate in the undertaking, but they required that the superintendence of the whole expedition should be placed in their hands, and demanded a complete explanation of the plan. This the earl refused, and the disagreement rose to such a height, that they threatened to write home to their friends and advise them to hold themselves aloof, and counteract rather than assist the enterprise. The dispute, however, was made up by the interference of mutual friends, and an important meeting of the Scottish exiles was held on the 17th of April, 1685, at which it was resolved to effect a landing in Scotland without delay. The persons present at this meeting were, the earl of Argyle himself, his son Mr. Charles Campbell, sir John Cochran of Ochiltree, sir Patrick Hume of Polwart, George Pringle of Torwoodlee, William Denholm of Westshiels, George Hume of Bassendean, John Cochran of Waterside, Mr. George Wiseheart, William Clelland, James Stuart, advocate, and Mr. Gilbert Elliott, who formed themselves into a council for conducting the enterprise as far as Scotland was concerned, chose sir John Cochran

for their president and William Spence for their clerk, and appointed Mr. James Stuart to draw up a declaration of war against the duke of York and his associates. Argyle having been chosen commander of the army, the preparations were hurried forward with so much dispatch, that on the 28th of April the men, arms, and ammunition were all embarked in three ships, the *Anna*, *Sophia*, and *David*, which set sail for Scotland on the 2nd of May. The exiles had announced their departure to their friends in Scotland and Ireland, whom they urged to come forward with all their strength to receive them, and the duke of Monmouth gave them an assurance that six days after, he should sail for England, where he nourished the most sanguine hopes of success.

Intelligence of these preparations had reached Scotland, and the privy council immediately adopted the most rigorous measures for defeating the object of the expedition. As it was supposed of course that it would land in Argyleshire, all the strengths in that county were dismantled, and as soon as it was rumoured that the earl had sailed, all the heritors and vassals were brought to the capital, where some of the principal of them were detained as hostages, and the others were compelled to give security for their loyal behaviour. The fencible men of the kingdom were ordered, as in former times, to hold themselves in readiness to attend the king's host in arms at twenty-four hours' notice, and the council even revived the ancient practice in cases of imminent danger, in sending the fiery cross through the western districts of the counties of Fife and Kinross. The countess of Argyle and her family were committed to Edinburgh castle, and the relatives of the other exiles were placed under restraint. The threatened invasion was made an excuse for new acts of brutality towards the unfortunate people of both sexes, who were in great numbers imprisoned in Edinburgh under the charge of nonconformity or attending at conventicles. They were collected together, to the number of about two hundred and forty, on the evening of the 18th of May, and hurried over in open boats to Burntisland, where they were thrust without distinction of sex into two small rooms in the tollbooth, and kept there closely confined during two days and two nights, without being permitted to quit the room for any purpose whatever. They were not even allowed provisions, and it was only as a great favour that their keepers let some of



Engraved by H. T. B. Read

ARCHIBALD CAMPBELL, NINTH EARL OF ARGYLL.

OB. 1685.

FROM THE ORIGINAL, IN THE COLLECTION OF

HIS GRACE THE DUKE OF ARGYLL.

them purchase bread and water. In this distress, the oaths of allegiance and supremacy were offered to them, which about forty took and were sent back to Edinburgh. The rest were willing to accept the oath of allegiance, but they refused that of supremacy, because they could not conscientiously acknowledge a professed papist at the head of the protestant church. They were now taken from Burntisland, and without any consideration of weakness of constitution or bodily infirmities, they were marched off northward, under the escort of a brutal soldiery, and most of them with their hands tied with cords behind their backs, to be confined in the castle of Dunnottar. On their way they were kept without food, and always thrown during the night into the dampest and most unwholesome dungeons, and the slightest complaint or appeal to the compassion of their guards was punished with blows. When at length they reached Dunnottar, they were thrown indiscriminately into a dark vault, up to their ankles in mire, and so crowded together that they could neither walk nor lie down, and almost without air to breathe; and the brother of the governor, who had the monopoly of the provisions, sold them to them at an exorbitant rate. They were even made to pay for water so long as they had got any money. They were kept in this manner during the rest of the summer, and it was not till reports of the ravages of disease generated by the filth in which they were immersed, reaching the ears of the governor's lady, induced her to visit them, that, shocked with the horrible scene, she prevailed with her husband to remove the females into rooms by themselves, and to confine the men in dungeons where they would have more space, and might no longer be condemned to breathe the pestilential atmosphere under which they must soon have succumbed. They were left here till the latter end of the year, when the survivors were all sent as slaves to the plantations, preparatory to which, the ears of the men were cropped, and the faces of the women were branded with hot irons.

The expedition under the earl of Argyle was fated to be most disastrous. The movements of his little fleet were not long concealed from the Scottish government, for when, three days after it set sail, it arrived at the Orkneys, Spence the secretary and Dr. Blackader, landing for some purpose or other at Kirkwall, fell into the hands of the bishop, who sent them both prisoners to

Edinburgh, and at the same time gave the privy council certain information of the arrival of Argyle, the number and size of his ships, and the direction in which he had sailed. Upon this information, some English frigates received orders to watch and pursue him. He had meanwhile directed his course to the coast of Argyle, where he expected to be joined immediately by his friends and clansmen, and sent his son Charles Campbell to announce his arrival and collect them together. But his expectations were totally disappointed, and terrified by the preparations of the government compared with the small number of men he brought with him (only about three hundred) they held back from joining him, and he met with a very cold reception. He then sailed to Isla, in the hope of surprising a party of Athol men who were ravaging his lands there, but in this also he failed; and he proceeded thence to Campbell town, where he published his declaration, but it produced very little effect. Divisions had already broken out among the leaders before they reached the Scottish shores, and these, at this moment of discouragement, were revived with double violence. Sir Patrick Hume and sir John Cochrane urged that, finding so little encouragement among the highlanders, they should immediately advance into the lowlands, where people were at least strongly affected to their cause. In the midst of this discussion, Argyle received intelligence from his son Charles that he had collected about twelve hundred men in the castle of Tarbet; and he proposed that he and sir John Cochrane should march immediately through Kintyre in the hope of raising the inhabitants, while the ships were brought up by sir Patrick Hume. He calculated that he should thus be able to get together an army sufficiently large to enable him to send a formidable division into the lowlands, to form a nucleus for the insurrection there, and at the same time retain with him a force enough to hold the earl of Athol in check and arm the rest of his own people. The whole force which he succeeded in assembling at Tarbet amounted to about eighteen hundred horse and foot, with which the earl, having issued an address to his vassals, determined on driving Athol out of Inverary before descending into the lowlands, much against the inclination of many of his companions, who urged that the blow should be struck in the lowlands immediately, as every moment of delay where

they were was so much time gained by the government to assemble overwhelming forces, and by overawing the presbyterians render their design no longer possible. Argyle would not listen to these reasons, but still entertained sanguine hopes of success in his own country, where he remained until their provisions began to run short. Upon this, the fleet put into the isle of Bute, whence two vessels, under the command of Cochrane and Hume, proceeded to Greenock in search of supplies. All they could obtain, however, was a small quantity of oatmeal; and on their return, their embarrassments were increased by the appearance of the English frigates on the coast. In this dilemma, the sea being no longer open to them, only one course was left; and, taking possession of the castle of Ellengreg, which he fortified and garrisoned as well as his means would allow, and placing his ships under its protection, he prepared to march to Inverary. Rumbold, one of the bravest of his associates, had already taken Ardkinglas at the head of Lochfine, and defeated Athol in a skirmish, when Argyle was called back by new disputes among his companions at Ellengreg, and he there found the question of marching at once to the lowlands again warmly agitated. Argyle now proposed the bold expedient of making a dash at the frigates with his three ships, while the small craft attempted to make their way out; but this proposal was overruled, on account of their extreme disproportion in weight. He now yielded to the proposal of marching to the lowlands, and, having again left Ellengreg in charge of a small garrison, with orders to destroy ships and fortifications rather than let them fall into the enemy's hands, he advanced to Glenderule. Here three days were wasted in the vain attempt to collect recruits. On his way thence to the head of Lochstreen, his ranks began to be thinned by desertion, but the leaders of the expedition, who still placed their hopes in the lowlands, urged him forwards, and they crossed Lochlong and passed the night on its borders. In the morning they were joined by all the men from Ellengreg and the ships, who had been compelled by the sudden approach of the frigates to abandon the arms and ammunition without being able even to fulfil their directions by destroying the ships. Other discouraging news soon followed, for on reaching Lochgare, Argyle learnt that the marquis of Huntley was advancing to join the earl of

Athol, and that the earl of Dumbarton with his regular forces was in the neighbourhood of Glasgow.

Thus surrounded with difficulties, Argyle proposed the bold measure of crossing the Leven and engaging the lowland troops, and his proposal appears to have met with the approval of Cochrane. Sir Patrick Hume, however, opposed it strenuously, declaring that it was madness thus to expose their whole cause on one desperate stake, where the chances were so great against them; and he proposed that the earl with his highlanders should return to Argyleshire, where he might gain recruits and where his men would fight, if anywhere, while the rest, consisting of the volunteers from Holland and the lowlanders who had repaired to them, should divide themselves into two parties, proceeding respectively down Lochlong and Lochgare, land where there were no troops, and, seizing all the horses they could find, proceed to some strong grounds favourable for the country-people to join them. Argyle replied, that all who did not like to come with him, might go where they pleased, but that his march would be direct to Glasgow. After some further discussion, Hume yielded, though reluctantly, and used his influence in persuading others to follow his example. Thus, after five weeks had been fruitlessly spent in the highlands, it was at length agreed to march with all that remained of Argyle's force into the lowlands.

On the night of the 16th of June they crossed the Leven, at a distance of about three miles above Dumbarton, and recommenced their march soon after daybreak next morning. About seven o'clock, learning that there was a strong body of hostile cavalry in their front, they turned off to the village of Kilmarnock, where they rested and refreshed themselves, for they were both hungry and weary. The circuit which they thus made, occupied the earlier part of the day, and at two o'clock they again came in sight of the enemy, who appeared in some force. Argyle proposed to risk an engagement, and the men were willing enough to fight, but his advice was overruled by that of sir Patrick Hume, and it was resolved in a council of war to pass the enemy in the night and continue their march to Glasgow. This stratagem was successfully effected; for having kindled large fires which occupied the attention of the enemy, they drew off unperceived, and would have been far on their way before morning, but, in the dark-

ness, their guides unfortunately misled them, and they wandered among the bogs and morasses, until they were separated from each other, and fell into such confusion that many of them in despair fled and never returned. Rumbold fell in with a party of the enemy, and, after a gallant resistance in which he received some severe wounds, was captured. Next morning only about five hundred men rallied under the standard of the earl of Argyle at Kilpatrick, and those in such a state of dejection that all hope of proceeding further was relinquished. A difference again rose among the commanders, and Cochrane advised the earl to return with his highlanders into his own country, and then with sir Patrick Hume and about a hundred and fifty of the lowlanders hurried into the county of Renfrew, in the hope of finding a refuge with the "wanderers" in the mountains, until they could gain some intelligence of the proceedings of the duke of Monmouth. They succeeded in crossing the Clyde, and at Erskine house they fortunately found refreshments prepared for the king's troops, of which they partook. Hearing nothing of Monmouth, and hoping he might have been successful, they proposed to seize the best horses they could get, and try to make their way to him, but they soon found that they were too closely watched by the militia to execute this plan. Resolved now to defend themselves in the best manner they could, they offered to fight, but the militia held back, waiting for the regular troops under lord Ross, who was the nephew of sir John Cochrane, and captain Clelland, who were on their march to join them. Cochrane now continued his march towards the hilly ground, and repulsed an attack of the regulars which had arrived. Lord Ross sent them an offer to treat, which was rejected with scorn, and, pursued by the enemy, they at length came to an old inclosure, at a place called Muirdyke, in which Cochrane drew up his men in two divisions, ordering them to reserve their fire until he gave them the signal. The king's troops approached steadily, and having fired and received no return, they advanced to the inclosure, supposing that the insurgents had expended their ammunition. When they were sufficiently close to the right division of his men, sir John gave the signal to that division by waving his handkerchief, and they immediately poured in a murderous fire upon the regulars. The latter, still believing that Cochrane's men had expended

their ammunition, made a rush and attempted to force the dyke, but they were held at bay by the insurgents with their halberds, while their commander now brought up his second division, who fired upon the assailants with great fury. The king's troops now made a hasty retreat, with the loss of a considerable number of men, among whom was one of their commanding officers, captain Clelland. They were brought back to the attack, but met with another repulse, and as night was approaching, they withdrew, leaving sir John Cochrane to encourage his men to further resistance, and they sung a song and prayed. Perceiving that the enemy had now formed a ring around them, Cochrane made a short address to his men:—"What think you of these cowardly rogues?" he said, "they dare not fight us for as small a number as we are, but have a mind to guard us in till to-morrow, that the body of the king's forces may come and cut us off; therefore, let us still behave ourselves like men, charge our pieces well, and go off the field in a close body, with as little noise as we can; if we escape them in the dark, it is well, if not, let us fight our way through them." They accordingly, as soon as darkness had set in, proceeded to put this plan in execution, but the result was very different to that which they expected. The enemy no sooner perceived them in movement, than they made their retreat as fast as they could, and left the insurgents to march away without any opposition. When he believed that he was out of immediate danger, sir John drew up his little band, and, as there had been some desertions on the previous day, he made each take an oath not to leave him without his permission. Then, knowing the ground well, he told them to follow him, and under his direction they marched hard all night; but great was their astonishment on discovering, at daybreak, that they had been marching all night in a circle, and that they had come back to within two miles of the place whence they had started. "Woe is me!" exclaimed their leader, "I have led you into a snare! I know not now what to do for it, for, if we keep the field, the whole body of the forces will be down upon us, so come of us what will, we must lodge in some house." As it happened, singularly enough, this very mistake proved their salvation, for, finding shelter in a farmhouse of a tenant of sir John Cochrane's father, they lay concealed while the king's troops marched away, supposing that they had

made their escape to a distance, and not imagining to look for them near at hand. Next day they left the farmhouse, and found another place of concealment. Here they received intelligence of the capture of the earl of Argyle. After the lowlanders had marched away, Argyle had sent off his son, with sir Duncan Campbell and captain Duncanson, to try again and raise men among his friends, and then proceeded alone to the house of an old servant with whom he expected to find a safe asylum; but, contrary to his expectation, being refused admittance, he made his way across the Clyde and tried to escape in the disguise of a countryman. As he was passing across the ford of Inchinnon, on the river Carte, on horseback, he was challenged by two militiamen, also on horseback, and grappling with them, he fell with one of them to the ground. They both, however, retreated when he drew his pistols from his pocket, but they met with five of their comrades, with whom they returned. After a vain attempt to defend himself, the militiamen knocked the earl down with their swords, and then secured him. When, however, they discovered by an exclamation that escaped him that it was the earl of Argyle, they manifested regret at his capture, but they were afraid to release him. On hearing of the capture of Argyle, sir John Cochrane and his party, convinced that there was now nothing to gain by keeping together, agreed to disperse. Cochrane himself took refuge in the house of his uncle Gavin, but Gavin's wife, who was sister of captain Clelland, slain in the attack at Muirdyke, betrayed him to the authorities in revenge for her brother's death. Sir Patrick Hume was more fortunate; for, after lying concealed some time in the house of the lady Eleanor Dunbar, the earl of Eglington's sister, he made his escape to Holland.

The proceedings against the earl of Argyle were of the most vindictive description. While the insurgents were still in arms, the estates, who were sitting at the time, drew up an address to the king, much in the style of that with which they had opened their proceedings in parliament, expressing their intense horror at the proceedings of the "hereditary and arch-traitor," as they termed Argyle, and earnestly desiring that he and his family, as well as all who had joined with him, might be declared incapable of mercy or of holding any honour or estate in the kingdom, and that all interces-

sion of others for them might be forbidden under the highest penalties. When taken, the earl was carried to Renfrew, from whence, on the 20th of June, he was removed under a strong escort to Edinburgh. In the spirit of their address to the king, the privy council ordered that, in his way from the Watergate up the High-street to the castle, he should be conducted bareheaded with his hands tied behind his back, the hangman in his uniform preceding him. He was escorted by captain Graham's guards, with detachments of the horse-guards in front and rear. The question which first presented itself to the privy council was, whether he should be executed on the old sentence, or whether he should be subjected to a new trial for his present rebellion, the council being in favour of the former course. He was subjected, however, to a rigorous examination, and even threatened with torture, but this was rendered unnecessary by the candid and ample manner in which he answered all the questions put to him. He frankly avowed his design, and declared that his hopes of success were founded on the cruel tyranny of king James's government, and on the natural disposition of people to revolt against oppression. Information of his capture had been sent to court with the utmost dispatch, and on the 29th of June the king's letter, on which the fate of the victim depended, arrived. James, who hardly knew either mercy or justice, but who was eager to satisfy his vengeance on a nobleman whom he personally disliked, was at the same time anxious if possible to extract some declaration from him which might implicate others. "Whereas," he said in this letter, "the late earl of Argyle is, by the providence of God, fallen into our power, it is our will and pleasure that you take all ways to know from him those things which concern our government most, as his assisters with men, arms, and money; his associates and correspondents; his designs, &c. But this may be done so as no time may be lost in bringing him to condign punishment, by causing him to be demeaned as a traitor within the space of three days after this shall come to your hands; an account of which, with what he shall confess, you shall send immediately to us or our secretaries, for doing which this shall be your warrant." The directions in this letter implied the application of torture to force a confession of his accomplices, but he had said nothing which threw the slightest de-

gree of suspicion on any one but those who were well known to be engaged in the enterprise, and the council, believing that they could obtain no further information from him, and being as eager as the king himself to hasten his execution, ordered that it should take place the day after the letter arrived.

Nearly all writers have spoken with admiration of the noble demeanour of the duke of Argyle during the short period which intervened between his capture and his death. He was in the habit of committing his reflections to paper, and these contain abundant proofs of his resignation and christian temper in his last moments. He spoke with sorrow of the dissensions among his companions, which had at least contributed to the failure of his enterprise, and lamented the apathy of his countrymen who had held back from a cause which he regarded as sacred. He considered himself as no subject of king James, who, as a papist, could not legally sit on the throne, and who had not taken the coronation oath; and he expressed great contrition for his compliance with the tyrannical measures of king Charles. He still, however, entertained the hope that his country would soon be liberated, and expressed the belief, which was almost prophetic, that the blow would fall upon the tyrant suddenly and effectively. On the day of his execution (Tuesday, the 30th of June), he assured a friend who attended upon him, that he felt more joy and comfort that day than on the day after he escaped from his former imprisonment in the castle. He dined at his usual hour with the utmost cheerfulness, and even indulged in pleasantries; and after dinner he retired, according to his custom, into his bed-closet to take a short repose. It is related that, while he was on his bed, one of the principal officers of state came with a message and desired to see him. He was informed that the earl was asleep, and had given orders not to be disturbed, but imagining this to be only a device to avoid further questioning, he insisted on being admitted to him. The door was, accordingly, opened softly, and he was admitted to a view of the interior, where he saw the earl on his bed in a tranquil slumber. He hurried out of the room without speaking a word, and in a state of great agitation left the castle and made his way to the house of one of his own relatives on the castle-hill, where he entered a bedchamber, and,

groaning with agony, threw himself upon the bed. The lady of the house, who learnt what had occurred only from her servants, hastened to him, and, believing him to be unwell, called for a glass of sack and pressed him to drink it. "No!" said he, thrusting the glass away, "No! that will not help me; I have been at Argyle's, and saw him sleeping as pleasantly as ever man did, within an hour of eternity; but as for me"—

After sleeping about a quarter of an hour, the earl left his closet, and wrote a short but affectionate letter to his countess. He then proceeded to the scaffold, where he was accompanied by the few friends who were permitted to attend upon him. Among these was Mr. Charters, a presbyterian minister whom he had selected to pray with him, though Mr. Annan, an episcopalian clergyman, was appointed by government to attend him in his last moments. In this last scene of his life, Argyle again expressed his great regret at his former sinful compliances, and warned all who were present from following his example. "I intended," he said, addressing himself to the spectators, "mainly to express my humble, and, I thank God, cheerful submission to his divine will, and my willingness to forgive all men, even mine enemies. We are neither to despise our afflictions, nor to faint under them. We are not to suffer our spirits to be exasperated against the instruments of our trouble, for the same affliction may be the effect of their passion, yet sent to punish us for our sins. Nor are we, by fraudulent, pusillanimous compliance in wicked courses, to bring guilt upon ourselves; faint hearts are ordinarily false hearts, choosing sin rather than suffering, preferring a short life, with eternal death, before temporal death with a crown of glory." The earl next prayed for the three kingdoms, that they might be restored to the purity of religion, and be preserved from oppression and persecution, and the other grievances under which they laboured. As he was concluding this prayer, some one suggested to him that he had said nothing of the royal family, upon which he reminded the spectators that, when formerly before the judges, he had declared that at his death he would pray that they might never want one of the royal family to be a defender of the true protestant faith,—“and that I now do, and may God enlighten and forgive all of them that are either hid in error or have shrunk

from the profession of the truth; and in all events I pray God may provide for the security of his church, and that antichrist nor the gates of hell may never prevail against it." When he had ended his prayer, he turned to the south side of the scaffold, and said, "Gentlemen, I pray you do not misconstrue my behaviour this day; I truly forgive all men their wrongs and injuries done against me, as I desire to be forgiven of God." Mr. Annan, the episcopalian minister, repeated these words louder that they might be heard by the crowd. The earl then went to the north side of the scaffold, and spoke in similar terms, which were again repeated by Mr. Annan, who added, "this nobleman dies a protestant," upon which Argyle, fearful apparently that this remark coming from an episcopalian clergyman might occasion some doubt as to his own religious principles, stepped forward and said, "I die not only a protestant, but with a heart-hatred of popery, prelacy, and all superstition whatsoever." He now returned to the middle of the scaffold, and took leave affectionately of his friends, giving to his son-in-law, lord Maitland, some tokens of remembrance for his daughter and her children. Then, stripping himself of part of his apparel, he gave it in presents to his attendants. When he knelt to the block, he kissed the instrument of his execution, known by the name of "the maiden," observing with a smile that "it was the sweetest maiden he had ever kissed." Thus died Archibald Campbell, earl of Argyle; whose fate met with perhaps more universal commiseration than that of any of the many victims of those times, and it no doubt helped to cement the spirit of resistance which was now growing up.

The number of persons taken in arms in this insurrection were few, and perhaps this was partly the reason that the number of victims was so small. Rumbold, as we have said, was only captured when he was disabled from further resistance by the severity of his wounds; and as he was not expected to survive, his trial was hurried on with indecent haste, that the executioner might not be disappointed. He was accused of being an accomplice in the Rye-house plot, and to aggravate the charge against him on his trial, the lord-advocate inserted in his indictment that he had been guilty of a design to murder the late king and his sacred majesty; but as Rumbold solemnly denied this, the accuser restricted himself to the charge of

participating in Argyle's rebellion. This Rumbold avowed frankly, and declared that he gloried in what he had done; and he was convicted on his own confession, and ordered for execution the same afternoon. He was so weak that, on the scaffold, he was obliged to be held up by two officers while he addressed the spectators. "Gentlemen and brethren," he said, "it is appointed for all men once to die, and after death the judgment; and since death is a debt all of us must pay, it is a matter of small moment and consequence what way it be done; but seeing the Lord is pleased to take me to himself in this manner, as it is somewhat terrible to flesh and blood, yet, glory to him, it is not terrible to me in anywise." He would have proceeded to explain his principles, and justify his actions, but he was immediately interrupted by the beating of drums; upon which, shaking his head, he said, "Will they not suffer a dying man to speak his last words to the people?" Still he persisted in declaring his opinion of the justice of his cause, and his firm belief that it would ultimately triumph. He then prayed for the extirpation of popery, prelacy, and all superstition; but his words were again drowned by the beating of the drums. Rumbold's head was exhibited on an iron spike at the west port of Edinburgh, and then carried to London, where it was considered that, being better known, it would produce more effect. Ayloff, another of the captives, who was nearly connected with the royal family, was sent to London, where he was examined by the king in person, who hoped to induce him to make a declaration that would implicate another person whose death he desired. Ayloff was offered his pardon on condition of making this declaration, which he refused, and his bitter reply on this occasion will long be remembered. "Mr. Ayloff," said James, "you know it is in my power to pardon you, say, therefore, that which may deserve it." "Though it be in your power," replied Ayloff, "it is not in your nature." Ayloff was handed over to the executioner. Sir John Cochrane, having, as before stated, been betrayed by a woman's revenge, was carried to Edinburgh with every circumstance of ignominy. He was brought forward as a witness on the trials of three persons who were forfeited, Gilbert Elliot, Mr. Spence, and Stuart the younger of Coltness. He was subsequently sent to London, and, like Ayloff, examined by the king in private; and eventually his father purchased his

pardon for a very large sum of money. Another of the captives, a young minister much respected for his learning and other qualities, named Thomas Archer, had been mortally wounded in the affair at Muirdyke, but, as death was not immediate, he was carried to Edinburgh, and there, in spite of great exertions in his favour, he was condemned to be hung. His friends had prepared the means of his escape, but, believing that he must die of his wounds, he had refused to take advantage of the opportunity which was offered him.

This was about the sum total of the executions which followed Argyle's unfortunate expedition; but the earl's estates suffered from the private animosity of Athol and Breadalbane, who overrun his lands, and put many of the name of Campbell to death. His second son, Charles, the companion of his expedition from Holland, had fallen into the hands of the earl of Athol, who would have hanged him at the gates of the castle of Inverary, but he was saved by the interposition of several ladies with the privy council.

CHAPTER VII.

PROCEEDINGS IN PARLIAMENT; OPPOSITION TO THE BILL FOR TOLERATION TO PAPISTS; THE KING'S INDULGENCES; EXECUTION OF JAMES RENWICK; THE REVOLUTION.

THE defeat of Argyle, and the still more disastrous termination of Monmouth's descent in England, raised the confidence of James to such a degree, that he believed all further attempt at resistance was impossible, and he proceeded in his own designs with a precipitancy which alarmed all parties. He now began to assume a dispensing power which was to overrule even acts of parliament, and he made no secret of his intention to employ a standing army in both kingdoms, and place it under popish officers. The dispensing power was first exercised in Scotland, where, by a royal mandate of the 7th of November, 1685, the Roman catholics were exempted from these tests and oaths which affected their consciences. Dissensions, meanwhile, had broken out among the ministers in Scotland which, while for a time they gave the king the occasion for stretching further and further the prerogative, laid the foundation of a wider coalition against him. Among men whose only principle had been the plunder of the country, mutual jealousy was easily kindled, and the lucrative offices of Queensberry and Taret are said to have excited the cupidity of the earl of Perth and lord Melfort, who, towards the end of the year 1685, began to form a party against them. They, however, soon became acquainted with the designs, and, in self-defence, they entered into a counter-plot against

their rivals. But the contest for power was soon decided by a stroke of court policy of the earl of Perth, who, professing to have been convinced by certain papers pretended to have been found in the cabinet of the late king, suddenly embraced the catholic faith. Others of the council followed Perth's example, and shared in the royal favour; and Queensberry was deprived of his office of treasurer, which was placed in commission. Large pensions were now bestowed on the converts, who engrossed entirely the patronage of government, which they acknowledged by the zeal with which they laboured to overcome the scruples of others. All the offices of state which gave much power or emolument were now gradually placed in the hands of known papists. The duke of Gordon was made captain of Edinburgh castle, the most important fortress in the kingdom. The earl of Murray, one of the new converts, was appointed the king's commissioner for the next meeting of parliament. Others were bribed or flattered, to secure their concurrence in, or prevent their opposition to, the measures of the court, which tended evidently to the re-establishment of popery. The duke of Hamilton, sir George Lockhart (who was now president of the court of session), general Drummond, and the archbishop of St. Andrews and the bishop of Edinburgh, were invited to court and

rewarded or caressed. Of the two prelates, the first was made a member of the secret committee, and the other a member of the privy council, and one at least received a pension. With a further view to increase the influence of the court in parliament, the royal burghs were informed that, as the parliament of England had shown an indisposition to grant them a free trade with that country, the king intended to give it them by virtue of his royal prerogative.

In the midst of all these significant proceedings, there were not wanting symptoms of popular discontent. The mass of those who had willingly joined in persecuting the presbyterians, were by no means so ready to sacrifice protestantism altogether, and the episcopal clergy themselves began to be seriously alarmed, when they found themselves inhibited from touching upon controversial subjects or making any reflections upon popery, under pain of being considered enemies of royalty, and when they saw that the popish ecclesiastical furniture was bought and imported into Scotland and the mass celebrated openly. But, if the clergy were becoming secretly discontented, the effect produced upon the middle classes of society, and especially upon the mob, was still greater, and was more openly, and even at times boisterously expressed. An outburst of this feeling occurred in the beginning of the year 1686. On the 31st of January, which was sabbath-day, a multitude of apprentices and of people of the lower orders assembled outside the catholic chapel, and waited the conclusion of service, for the purpose of giving expression to their dislike of those who attended it. The countess of Perth was an especial object of their hostility, and she and her company were saluted not only with opprobrious language, but with a shower of dirt. The authorities interfered, and some of the ringleaders were apprehended and carried before the privy council, which met immediately. One of the prisoner's, a baker's lad, was ordered to be whipped through the Canongate next day; but when he was brought forth to undergo his sentence, the mob reassembled and rescued him. This success emboldened them, and they became so riotous that they were only dispersed by the military, who, being, as it was said, drunk, fired among the crowd with ball and killed a woman and two lads. To hinder a renewal of the tumult at night, all people were ordered to keep within doors, and all householders

were required to hang lights out of their houses; and next day a woman and two men, accused of taking an active part in the riot, were publicly whipped through the Canongate, escorted by a party of musketeers and pikemen. This, however, was not enough, for it seems to have been thought that such an example of striking terror ought not to be lost by the government, and a report was sent to the king in which this paltry tumult was exaggerated into a treasonable insurrection. James seems to have entered fully into the views of his Scottish councillors, and he wrote to the privy council urging them to proceed with the utmost rigour against all who were implicated in the disturbance. The king, in the following remarkable terms, told the privy council that he could not "imagine that any has been or will be remiss in this, except those who have been favourers of that rebellious design. But above all, it is our express pleasure that you try into the bottom of this matter, to find out those that have, either by money, insinuation, or otherwise, set on this rabble to that villainous attempt, or encouraged them in it; and therefore, that for the finding of this out, you spare no legal trial, by torture or otherwise; this being of so great importance, that nothing more displeasing to us, or more dangerous to our government, could possibly have been contrived, and we shall spare no expenses to know the rise of it." This mandate received willing obedience from the ministers, who brought several persons to trial and execution as partakers in this "treasonable" attempt; and in their extraordinary zeal on this occasion, even words spoken against the catholics were punished with death. A drummer was shot upon Leith sands, on the charge of having, probably in a fit of drunkenness, said that he could find it in his heart to run his sword through the papists. Government spies were employed everywhere, not only to report people's words, but to betray them into dangerous expressions. Three of these were drinking with a man named Keith, who exercised the profession of a fencing-master, and they went immediately and accused him of having drunk confusion to the papists. It was proved, on examination, that Keith had drunk the king's health, and that the other toast had been proposed by the witnesses, and that he had only assented to it; but, though great intercession was made for his life, it was in vain, and on the 5th of March

he was hanged at the high-cross. These cases appeared the more iniquitous, because both the victims were offered their lives, the one if he would become a convert to popery, and the other if he would bring a false accusation against the earl of Queensberry. Both refused the conditions.

Everything now showed a resolution on the part of the court to carry its measures in favour of the Roman catholics. Preparatory to the opening of parliament, on the 13th of April, a convention of the royal burghs and a diocesan synod met in Edinburgh, at which, especially among the burghs, the prevailing feeling was decidedly protestant. The ecclesiastics showed more willingness to yield, the archbishop of St. Andrews and the bishop of Edinburgh urging strongly the expedience of complying with the king's wishes, which, if they refused, he could carry into effect by virtue of his own prerogative, and informing the clergy that they had full commission for suspending or depriving, wherever reflections were made on those professing the catholic faith or on their religion. The earl of Murray, as commissioner, opened the parliament on the 28th of April, with a letter from the king, setting forth, as usual, his great love for his Scottish subjects, his satisfaction with their conduct, and his desire for their prosperity, and recounting the many favours he had conferred upon them, especially in opening to them a free trade with England. After stating that he had sent down a full indemnity to all who were concerned in Argyle's rebellion, the king went on to say, "Whilst we show these acts of mercy to the enemies of our person, crown, and royal dignity, we cannot be unmindful of others, our innocent subjects, those of the Roman catholic religion, who have, with the hazard of their lives and fortunes, been always assistant to the crown in the worst of rebellions and usurpations, though they lay under discouragements hardly to be named; them we do heartily recommend to your care, to the end that, as they have given good experience of their true loyalty and peaceable behaviour, so by your assistance they may have the protection of our laws, and that security under our government which others of our subjects have, not suffering them to lie under obligations their religion cannot admit of. This love we expect you will show to your brethren, as you see we are an indulgent father to you all." The commissioner, in his speech, dilated on all the points contained in the king's letter,

with more than the usual quantity of flattery of the king and praise of his heroic character and paternal government. The estates, in their address, were as humble and submissive as ever, except in the article relating to the papists, on which they showed an inclination to make a resolute stand, though what they said was very cautiously worded. It is even said that they only yielded the point of speaking of popery as "the Roman catholic religion" at the urgent request of the bishops, who represented that it would be considered as a compliment to the king. This paragraph in the address stood as follows: "As to that part of your majesty's letter relating to your subjects of the Roman catholic religion, we shall, in obedience to your majesty's commands, and with tenderness to their persons, take the same into our serious and dutiful consideration, and go as great lengths therein as our conscience will allow, not doubting that your majesty will be careful to secure the protestant religion established by law."

This behaviour in the parliament embarrassed the court, and the king's anger fell upon all the public officers who had sided with the protestant party. Lord Pitmedden, the only one of the lords of session who voted against the court, was deprived of his judicial position; three bishops, who would not act with their brethren on this occasion, were displaced; and a number of other persons were removed from the privy council. Sir George Mackenzie, who saw the perilous course the king was running, and made a stand for the established religion, was turned out of the office of king's advocate, which was given to John Dalrymple, afterwards earl of Stair. As the temper of the parliament, however, was evidently against a toleration act, the ministers did not press that measure at once, but brought forward acts of various kinds tending, as they thought, to conciliate the commissioners for counties and burghs, from whom they anticipated the strongest opposition. Meanwhile, consultations were held among the leading men, in the hope of coming to some arrangement, whereby, seeing there was no chance of obtaining an open and public toleration of popery, they might obtain such an introductory measure as would lead to the other. The court, in these conferences, used precisely the same arguments as had been urged in favour of the presbyterians; but conscious how little attention they had paid to these arguments themselves, they added

others, which they conceived would be of greater weight, namely, "that by refusing to consent to this moderate ease to papists, a most dangerous and almost incurable blow and wound might be occasioned to the protestant church and religion; for if the king chose, he might, without violating any law, at one stroke remove all protestant officers and judges from the government of the state, and all protestant ministers and bishops from the government of the church, and might, if provoked, fill all their places with papists; which, if he should, they must submit, and are tied down by their principles and religion not to resist, it being a chief and essential position in our holy religion to render active, or where that cannot be done, passive obedience to the chief magistrate." These arguments, however, failed also, and it was found impossible to agree upon any plan which the one party was willing to give and the other to accept. The duke of Hamilton proposed that, as the agreements for toleration equally affected all parties, if an act were passed, it should include the presbyterians as well as the papists; but this proposal was instantly rejected by the archbishop of St. Andrews. The president of the court of sessions, sir George Lockhart, suggested a limited toleration, whereby the practice of the catholic religion might be allowed, while its professors were not to be admitted to places of trust. But such an arrangement, as far as the king was concerned, was quite inadmissible. After agitating the question for some time, without arriving at any satisfactory result, the ministers of state thought it advisable to drop it altogether, and after a protracted session, finding the protestant spirit gaining ground within the parliament, and a strong sensation rising without, they prorogued the parliament on the 15th of June.

The failure on this occasion was so unexpected, that the members of the government, apprehensive of the king's displeasure, endeavoured to throw the blame upon one another, and hastened to London to prefer their mutual recriminations. They ended, however, by throwing the whole blame upon the bishops; and persons who had hitherto been the blindest supporters of the court faction, were thrown into prison under ridiculous pretexts, in order to strike terror into others. To fill up the vacancies made by the expulsion of those who had not supported the court on this question, the duke of Gordon, the earl of Traquair, and other

Roman catholics on whom the court could depend, were placed in the privy council. Having thus prepared the way for displaying the extent of his arbitrary will, the king showed his contempt for his parliament by doing that by his prerogative for which a legislative act had been refused. A royal letter came to the privy council, dated on the 21st of August, announcing "that it was not from any doubt he entertained of his power in putting a stop to the unreasonable severities of the acts of parliament against those of the Roman catholic religion, that made him communicate his intention to the estates, but only to give his subjects a new opportunity of showing their duty to their king, their justice to the innocent, and their charity towards their neighbours. As, however, some scruples of well-meaning men about the test, prevented them from consenting to what they thought so reasonable, that they wished him to do it by his own authority, he therefore thought fit to let them know that he had resolved to protect his catholic subjects against all the insults of their enemies and the severities of the laws made against them heretofore; and he, by his letter royal, allowed them the free private exercise of their religion in houses, and full protection from any pursuit, civil or criminal, for the exercise of the Roman catholic religion, using any of the rites or ceremonies of that church, or doing what by law is called trafficking." The king further stated that, in order "that the catholic worship might be exercised with more decency and security, he established the chapel of Holyrood-house, and appointed a number of chapters and others, whom he required them (the privy council) to maintain in their just rights and privileges under the royal protection. He likewise ordered them to take care that no preachers or others were suffered to insinuate to the people fears, or that any violent alteration was intended, as he was resolved to maintain the bishops, inferior clergy, and the protestant religion, and to hinder all *fanatical* encroachments upon them; and for all this goodness and condescension he expected from his people all the returns of duty and loyalty, as well as compliance and concurrence in these things, so just in him, and reasonable in all his good subjects, from whom he did also expect that mutual love and charity one to another that becomes compatriots, subjects, and christians." The answer of the council to this letter was as

submissive as could be desired, though a dispute had arisen on a point of comparatively trifling importance, which showed that scruples were beginning to rise in the minds of some of the council. In the first draught of the reply, the king's prerogative was said to be a legal security for the indulgence, an expression to which the duke of Hamilton objected, remarking that a thing might be a security, and yet not legal. The earl of Perth asked him if he meant to question the king's power to relax the laws; an insidious question, which the duke evaded, replying that, without doubting the king's prerogative, he saw no necessity for the privy council calling it law. Others, however, felt the force of Hamilton's objection, and the phrase was altered from "legal" to "sufficient" security.

James now set aside all further scruples, and he proceeded to govern by his own prerogative, substituting proclamations for laws, as though the constitution of Scotland had been a pure unlimited despotism. At the beginning of February, 1687, the king again addressed letters to the privy council, enclosing a proclamation in which he endeavoured to conceal his favour to the papists under the cover of an indulgence to all religious parties, a cover which deceived nobody. In this proclamation James declared that, by his own sovereign authority, royal prerogative, and absolute power, which his subjects were bound to obey without reservation, he conferred a limited toleration upon moderate presbyterians and quakers, who were permitted to meet in places appointed for their worship or in private houses, the presbyterians being allowed to hear such ministers only as accepted of the indulgence; while he dispensed entirely with all the laws against Roman catholics, and repealed all the prohibitions or penalties under which they lay, permitting them the free exercise of their religion in chapels, and the enjoyment of all offices and benefices to be thereafter conferred. The only restrictions under which the catholics were placed were, not to preach in the open fields (which catholics were not in the habit of doing), not to invade the protestant churches by force (which it would have been madness for them to do), and not to make public processions through the principal streets (which would have been equally impolitic.) By the same proclamation, the king annulled former oaths and tests, and substituted for them a new oath of allegiance, by which his subjects bound

themselves not only to renounce the right of resistance, but to maintain their sovereign in the full exercise of his absolute power. He declared, in order to silence the fears of the protestant clergy, "that he would use no force nor invincible necessity, against any man on account of his persuasion, or the protestant religion," neither would he deprive the present possessors of the lands appropriated formerly to the church. Such an arbitrary declaration was calculated to excite universal discontent. The king assumed, by virtue of his prerogative, the right of repealing old and creating new laws, to which obedience was required, without reservation of the religion or moral obligations of mankind; while the new oath, demanded, not as before passive obedience, but an active support of James's despotism. Even his promise to use no force, or invincible necessity, on account of religion, nor to revoke the church lands from lay proprietors, were taken generally as an intimation that such measures were ultimately contemplated. By the episcopal party in general, the declaration was received with undissembled discontent, for they saw that while there was an undisguised intention of placing the catholics over them, they found themselves deprived of their protection against either catholics or presbyterians. The presbyterians would not take as a boon that which did not relieve them from the oppressive laws enacted against them, while it required from them an oath which was altogether contrary to their principles, and which they refused. Nevertheless, the king's mandate was received by the privy council in the most obsequious manner, the proclamation was issued with all solemnity, and they returned a letter of thanks expressed in such terms that the duke of Hamilton and the earls of Penmure and Dundonald refused to attach their names to it. The two earls were in consequence turned out of the council, and the duke received a personal reprimand.

So general, however, was the feeling of dissatisfaction, that it was thought advisable, in the month of March, to publish a second indulgence, in the form of an explanation, by which the oath was waived, for it chiefly aimed at appeasing the moderate presbyterians. These, however, were unwilling to accept what was in itself but a trifling boon, while its acceptance implied the recognition of the king's dispensing power, although a few consented to preach in private houses when asked. The feeling of resistance was

the stronger, as the design of placing all political power in the hands of the catholics was becoming daily more apparent, and the protestant episcopalians now began to feel that the fabric of despotic authority which they had laboured so zealously and so unscrupulously to erect was turned entirely against themselves. Even the office of printer to the king was given to a papist, and the kingdom was inundated with pamphlets in defence of popery and of the king's prerogative, while it was strictly forbidden to publish anything reflecting on the king's religion. Convinced that the Scottish episcopalians would not yield up their power to the catholics willingly, the king seems now to have conceived the idea of setting up the presbyterians against them, and to have imagined that their mutual hatred would lead them to destroy each other, and thus leave him an easy conquest. With some aim of this, king James sent down a third indulgence in the month of June, by which all the laws against nonconformists were repealed, and persons of every persuasion were protected in the exercise of their several forms of worship in either church, chapel, or private house. The "wanderers" alone were excepted, and preaching in the open fields was denounced with the same violence as ever, while all who attended such preaching or who were accused of intercourse with rebels or inter-communed persons, were hunted out and punished with the greatest rigour. The presbyterians in general accepted this indulgence, and acknowledged the king's goodness in granting it, and many of their clergy who had been living in exile, and who had become devoted to the prince of Orange, took advantage of it to return home, though none of them were willing to acknowledge the king's right to bestow it, and few were willing to declare that they received it as a favour. The strict covenanters, who refused to acknowledge as their sovereign a papist and one who had refused to take the coronation oath, treated all these indulgences with the utmost scorn, and refused a toleration which implied the acknowledgment of the power which gave it. "They considered it," they said, "as flowing from absolute power, a power which all were to obey without reserve, which cannot be limited by laws, and therefore they could not accept of it without acknowledging a power inconsistent with the law of God and the liberties of mankind; they considered that

the proper tendency of it was to introduce a lawless loyalty, establish the king's tyranny, and unite the hearts of protestants to papists. But above all, they considered the nature of this pretended liberty as most dishonourable to the cause of Christ; for though nothing is more desirable than when true liberty is established by the government, yet nothing can be more vile than when the true religion is tolerated under the notion of a crime, and when the exercise of it is only tolerated under such and such restrictions."

The rapid succession of political events which now followed each other until they ended in the revolution, makes us almost lose sight of the acts of individual oppression which held so prominent a place in the preceding years, and of the unabated persecution of the covenanters. The garrison of Berwick, under the command of James's natural son the duke of Berwick, received orders to march into Scotland to assist in the dispersion of conventicles, and, though this was probably a mere pretext to conceal the commencement of the king's plan of sending the English troops into Scotland, and bringing the Scottish forces into England, as a more certain means of the final subjugation of the two countries to absolute power, it intimated clearly enough that there was to be no relaxation in the persecution of the wanderers. Few ships, indeed, went to the colonies without a cargo of men and women from Scotland, who were sent thither as slaves, because they were unwilling to acknowledge that the present authority was according to the word of God, or promise not to hear Mr. Renwick, who was now the most popular preacher among the covenanters. Men were still deprived of their estates or fined under the extensive range of petty offences which were made to constitute treason. Thus, Anderson the younger of Wasterton, having in a tavern soon after the promulgation of the first indulgence spoken irreverently of the king's absolute power, and maintained, for the sake of argument over a glass of wine, the lawfulness of defensive arms against tyrants, was informed against, convicted of treason; and his estates forfeited; and Ker of Moriston, having been accused of inter-communing with a rebel, a fine of two thousand pounds sterling was exacted from him. The eventful year 1688 was ushered in by the arrest of Mr. James Renwick, on whose head the government had set a reward of a hundred pounds sterling. When so many

of the presbyterians had accepted the indulgence, and thus, as the covenanters believed, betrayed the cause, Renwick had the courage to proceed to Edinburgh to protest against it in the name of his persecuted brethren. Thence he crossed over to Fife, and continued there preaching in the fields until, in the month of January, he returned secretly to Edinburgh. He took the precaution of entering the capital late at night, and obtained a lodging in the house of a merchant who dealt in English goods and dwelt on the castle hill. But he had been observed by one of the numerous spies then lurking about everywhere, and who, knowing only that he was a stranger, carried immediate information to a custom-house officer named Justice, who it appears had been long on the look-out for Mr. Renwick. He proceeded to the house indicated by the informer, and, under the pretext of searching for prohibited goods, came upon his victim by surprise. Mr. Renwick made an attempt to escape, but he was knocked down, and secured while on the ground and carried to the guard-house. He was charged with disowning the authority of the king, and keeping field conventicles, and as he confessed unhesitatingly to both, he was found guilty, and condemned to the gallows. There appeared to be an evident reluctance on the part of the court in proceeding to extremities with Renwick, and attempts were made to induce him to yield so far as to afford an excuse for mitigation of the sentence, but in vain. He met his fate with the same pious resignation that distinguished all the Cameronian martyrs, but his case excited the more general sympathy, on account of his youth (he was but twenty-six years of age), and because no minister had been executed for some months previously. He was the last who perished under this barbarous persecution.

During the summer and autumn of this year (1688), the discontent of those who had formerly been the active instruments of a despotism which they now found to be turned against themselves, was increased every day, not only by the evident design against the protestants as a body, but by the individual resentment of those who found themselves turned out of their offices for resistance to the royal will on the most trivial questions, and who were immediately succeeded by papists. Among others, sir George Mackenzie, in spite of his long and unscrupulous services, was dismissed from the office of

king's advocate. Meanwhile that sort of under-agitation was going on which showed that some great revolution was impending, and people's minds were more and more anxiously directed to the future. It was not, however, till the month of September, that a despatch arrived from the king, informing the privy council of an expected invasion from Holland, and warning them to put the country in a state of defence. At first this warning was not much attended to, for people imagined that it was a mere pretext for raising money and troops for some other purpose; but information of a more definite character was soon brought over by the masters of vessels arriving from Holland, several of whom were examined before the privy council, who now took the alarm, and proceeded without delay to put the kingdom in the best state of defence they could. The militia was ordered to be embodied, and notice was given to the highland chiefs to hold themselves in readiness to attend the king's standard with their clansmen. Beacons and signal posts were erected, for the purpose of communicating with the utmost rapidity the first intelligence of the arrival of any hostile force on the coast. Several persons who had lately returned from the continent, and whose principles or connections were calculated to draw suspicion upon them, were placed under arrest and subjected to a rigid examination; but without extracting anything from them, although two at least of them, captain Mackay, the son of the general of that name, and the well-known Dr. Blackader, were in the secret of the preparations and designs of the prince of Orange.

At this critical moment, division showed itself in the privy council, where the earl of Perth quarrelled with the earl of Athol. The eldest son of the latter, lord Murray, was in communication with the prince of Orange, and it has been supposed that Athol himself secretly favoured his cause, for his behaviour in the council was calculated to counteract the proceedings of the king's friends. It was necessary, above all things, that James should know the sentiments of the different parties in Scotland, and how far he might rely upon their support, and the earl of Perth was directed to ascertain this point. The episcopal clergy, who had so far estranged themselves from the court that some of them had even ceased to pray for the prince of Wales, returned to their old sentiments, and concurred in a most loyal address to the king, in which they prayed that God might

give him the hearts of his subjects and the necks of his enemies. The king appears to have reckoned most on the body of the presbyterians, who he conceived would be bound to him by gratitude for the indulgence he had granted them, and sir Patrick Murray was employed to ascertain the part they were likely to play. When questioned singly, they declined to give any answer, but a general meeting of the presbyterian ministers was called in the month of September, and from this meeting a message was sent to the earl of Balcarras, to the effect that, although the presbyterians acknowledged that God had made the king an instrument of showing them some favour, yet they were convinced that, as far as the king himself was concerned, it was only part of a design to ruin the protestant religion, and that in the present juncture they felt it their duty to act as God should direct them. The more strict presbyterians—the mountain-men—also held a meeting at Wanlockhead in Nithsdale, at which it was resolved that their duty required them to take up arms in the cause of freedom, but that they should use prudence and wait the proper moment to act, and that they should avoid too close an alliance with the Dutch sectaries. They seem to have been convinced of the good intentions of the prince, of which they had no doubt been well informed by the exiled ministers who, taking advantage of the indulgence, had returned from Holland. The confederacy which brought William over had been formed in England, but some of the leading Scottish nobles were now in the secret of it, and ready to welcome his arrival. Argyle had made his way to Holland to join the prince, and lord Cardross had returned from America for the same purpose. Lord Drumlanrig, the son of the duke of Queensberry, disgusted at his father's disgrace, as well as the earl of Annandale, had joined the English confederates, and had brought with them the earls of Glencairn, Crawford, Dundonald, and Tarras, with the lords Bargenny and Mersington, and many gentlemen of the first rank in Scotland.

Still, however, the council acted with confidence, and appears to have had no anticipations of danger. The army, distributed through the districts in Scotland where there was most disaffection, was sufficient to keep the country quiet and prevent the enemies of the existing government from acting in concert. But at this moment, the king, who appears to have had more confidence in his

Scottish army than in that which he commanded in person, sent orders that it should be immediately brought into England. The privy council saw at once the extreme danger of this measure, and sent a messenger to remonstrate with the king, proposing that a body of highlanders should be raised, which joined with the militia and regulars, would form an army of thirteen thousand men, and that these should be stationed on the border or in the north of England, to be ready to march wherever danger threatened. But the king rejected this counsel, and the Scottish secretary, lord Melfort, in communicating to the privy council the peremptory order for sending away the army, accompanied it with the taunting message from himself, that if any of the king's servants were afraid to remain, they might come away with the military. The anticipations of the council were, however, soon confirmed, for immediately after the departure of the army the executive became powerless, and the council depended for support and protection only on a guard of raw and undisciplined militia, whose commander, sir George Monro, could be relied upon no longer than the party he served appeared to him to be the strongest. Under these circumstances the chiefs of the popular party repaired to Edinburgh and met together openly to concert their plans. Lord Ross, and some others who saw that James's government was on the point of ruin, joined them, and, with the assistance of the Cameronians, or mountain-men, who were dispersed along the borders, they intercepted all the communication between the court and the privy council, so that the latter body remained for several weeks in total ignorance of what was going on in England, while their opponents were perfectly well instructed in the course of events. When at length the prince landed on the English coast, his declaration was published in all the principal towns, and spread through the country, while the proclamations of the privy council were treated with the utmost contempt.

The fabric of arbitrary power in Scotland now fell to pieces with extraordinary rapidity. The secret committee of the privy council, consisting of the earl of Perth, the marquis of Athol, the viscount Tarbet, the archbishop of Glasgow, lord Balcarras, and sir George Lockhart, had met to consider the difficulties of their position, and they decided on sending an agent to court to consult with the king and receive his instructions. But this agent appears to have carried with

him private directions of another kind from some of the privy council who saw into the real state of things, and when he arrived in England, finding that the king's position was past all hope of recovery, he went immediately to the prince of Orange, and offered him the services of the Scottish council. In another meeting, the secret committee resolved that three of their number, the lords Tarbet and Balcarras, and sir George Lockhart, should go to England to procure more certain intelligence of the state of affairs, but Tarbet and Lockhart declining to go, Balcarras proceeded alone. He was scarcely gone, when the secret committee, in consequence of the predominancy of the prince's party, dissolved itself. The final revolution in the council had been brought about by the earl of Athol, who, supported by lord Tarbet and sir John Dalrymple, had now obtained a superiority in numbers, and one of his first steps was to propose that the militia, which he represented as occasioning a useless expense, should be disbanded. The earl of Perth, who in the moment of danger became timid and irresolute, gave up the last prop of his power without a struggle. As soon as this order had been carried into effect, Athol and his friends went to Perth, and told him that they could no longer sit safely in council with him and the papists, who were incapacitated by law, but that, if he would withdraw, they were ready to take the government into their own hands and assume all the responsibility. The fears of the chancellor had already been worked upon by the riotous proceedings of the mob, who had actually proclaimed in the streets of Edinburgh a reward of four hundred pounds sterling for the capture of him or his brother, dead or alive; and he complied with the demand of Athol and his friends, and retired from the capital to shut himself up in Castle Drummond.

In this strange state of things, the capital, as might be expected, was full of rumours of different kinds, which agitated violently the minds of the populace, and gave rise to frequent tumults. On a sabbath day, the 9th of December, a considerable tumult was excited by a report that captain Wallace, who had been left with a small body of soldiers in charge of the palace of Holyrood-house, or, as it was popularly called, the abbey, was fortifying it against the town. The mob, however, proceeded no further that day than threatening their provost, who

was one of the creatures of the court, and proclaiming at the cross the reward for the capture of the earl of Perth. Next morning, however, the town was still more agitated, and the magistrates having sent out a proclamation against tumults, the mob prevented the officers whose duty it was to publish it from proceeding, and tore the proclamation to pieces. Reports were spread during the day, that papists lay concealed in the town, and that they intended to set fire to it at night; in consequence of which, in the evening, a great multitude, consisting chiefly of apprentices and students from the college, assembled about the head of the Cowgate, with staves and torches, and, having obtained two drums in the West Bow, they directed their course towards the abbey, increasing in numbers as they went along. At the Canongate they exchanged salutes with the guard, and stopped to pull down the picture of the earl of Perth from the cross. As they approached Holyrood-house, they found captain Wallace with a party of soldiers drawn up at the foot of the street, to oppose their further progress. Upon this they halted and sent a deputation with a demand that they should be allowed access into the court of the abbey, where it was reported he had been planting cannon. Wallace commanded them to fall back, or he would order his men to fire; and when, instead of obeying, they beat their drums and shouted out to run in upon him, he gave the order, and his men firing a volley upon them, killed and wounded about thirty. Exasperated at this proceeding, the crowd rushed in upon the military, killed two of them, wounded several others, and forced them to take shelter within the palace, the gates of which were immediately shut against the assailants. After trying in vain to force an entrance, the mob returned towards the city with their killed and wounded, and sent a deputation to a party of gentlemen, whom they knew to be friendly to them, who were assembled in a tavern, and whose assistance they sought. Wallace's conduct had been injudicious, because he was acting only under an authority which had ceased to exist, and the slaughter he had committed excited the greatest indignation throughout the city. Hitherto the mob had consisted chiefly of lads, but now the householders came forth and joined them, demanding vengeance for what they stigmatised as unprovoked murder, and the gentlemen just alluded to, placing themselves at the head

of the multitude, gave more of regularity and system to its movements. They obtained from a quorum of the privy council a warrant to the magistrates, by virtue of which the latter, in their robes, at the head of the trained bands, town guard, and city officers, accompanied by nearly the whole population of the city, proceeded to the palace to summon captain Wallace to deliver it up. When they approached near the palace, the trumpets and heralds, in their coats, advanced and delivered a formal summons in the king's name for the immediate delivery of the house. Wallace replied that he had been put in by the whole council and would not be put out by a part of it, and his determination to resist was announced by several shots from the windows. The magistrates now made their retreat, and left the conduct of the attack to major Graham, who commanded the trained bands. Wallace, meanwhile, had brought all his men down into the court, to resist his opponents in case they attempted to force the gates; but Graham, taking advantage of Wallace's omission to secure the rear of the palace, made a circuit with a strong party of his men, and entered the palace by the back-entrance. The soldiers, taken by surprise, made very little resistance; a portion of them, with captain Wallace, made their escape, but of the others fourteen were slain by the mob, who had now entered by the front gate, and six, saved by the interference of the gentlemen who had now made their way into the palace, were taken prisoners. The populace now rushed into the palace from all sides, and spread themselves through its apartments. Some found the earl of Perth's cellars, and drunk up his wine; while others, urged by a different kind of zeal, rushed to the chapel and effected the destruction of its papistical decorations. The priests had concealed the images of the saints, or, as their opponents called them, their idols, in an oven, against the mouth of which they had placed an old press. It was not without some trouble and loss of time that these idols were found, but when at last they were brought out, the populace carried them forth with great exultation, and after parading them round the town in mock procession, brought them back to the abbey close, and then committed them to the flames. Nor did the violence of the mob stop here, for they burnt the Jesuits' college, as well as their printing-house and

library, and committed other outrages on the public property of the Roman catholics. Next day the mob assembled again, and attacked the private houses of catholics, which were plundered of everything worth carrying away, and the more zealous portion of the populace found plenty of occupation in burning popish relics and images. On the day following, the authority of the laws recovered its ascendancy, and an order of the council appeared for the protection of the catholics and their property. But the mob had still a satisfaction, for they were allowed to dress up the pope in effigy, to submit him to trial, and to condemn him to the flames; and this proceeding was conducted in the most orderly manner, by the students in the university marching in their classes, sword-in-hand, each class under its captain, the privy council and the magistrates of Edinburgh attending as lookers-on. The students of the university of Edinburgh found imitators in those of Glasgow, who, if possible, proceeded against the inanimate representative of the pope with more zeal than their eastern brethren.

Under a state of things like this, when everybody was in the utmost anxiety and ready to believe anything, reports of all kinds flew about and found believers. It was a report of this kind which raised the Cameronians, who had been acting with the utmost prudence. On the Friday night before Christmas, a letter came to Edinburgh, stating that ten thousand Irish papists had landed in Galloway, that they had burnt Kirkcudbright, and that they were within twenty-two miles of Haddington. People had a lively recollection of the atrocities committed by the Irishmen brought over by Montrose, and the effect of this letter was such that we are informed "all the night after, the citizens' wives were running about the streets with their children in their arms, with hideous cries, what should become of them and their poor young ones." The effect of this report was so well calculated, that by eleven o'clock on the morning of the next day, six thousand presbyterians well armed, were assembled on Douglas Moor—a formidable array, when we consider that the mountaineers were now as well disciplined as a regular army. It was soon known that the alarm was a false one, but the presbyterians, once up in arms, determined to carry out the work which had been commenced in the capital, by visiting the houses of the

papists in the country, and destroying the relics of idolatry; for which purpose they separated into small detachments of two or three hundred in a company, whose business it was not only to hunt out popery, but to disarm all such as were disaffected to their cause. Nor did they stop here. At Christmas—the celebration of which festival had always been an abomination in the eyes of the presbyterians—the episcopalian clergy in the south and south-west were prevented from officiating, and after being paraded to the boundary lines of their parishes in their fringed gowns, these were torn from their shoulders, and they were told to depart and return no more, unless it were at their perils. It has been adduced as a proof of the moderation which characterised the presbyterians at this time, that in this moment of triumph, although smarting under the bitter persecution of so many years, they offered no violence to any of the ejected curates, however notorious they might have been as informers or spies, and it is not known that in a single instance their departure was viewed by their parishioners with a feeling of regret. During these rather tumultuous proceedings, the earl of Perth, in his retreat at Drummond castle, became more and more alarmed at the aspect of affairs, and, believing that he was not safe in Scotland, he made an attempt to escape. Disguised as a woman, he obtained a passage on board a ship which sailed from Burntisland; but the ex-chancellor had been recognised in his disguise by some of the mob, and the ship was pursued by a man named Wilson, who had formerly been a buccaneer in Jamaica, with a party of armed seamen in a long boat. They found the object of their pursuit becalmed near the Bass, and having boarded her, they took the earl of Perth and his countess, and carried them to Kinkaldy, where they were thrown into the common gaol. As soon as their capture was known in Edinburgh, the committee of the privy council ordered them to be transferred to Stirling castle, under charge of the earl of Mar.

The declaration of the prince of Orange, which was now published throughout the kingdom, was conciliatory and explicit with regard to the political condition of the country, though the question of religion was spoken of in such general terms, that it left it doubtful whether the presbyterian church was to be restored or the episcopalian establishment continued, and while each

party interpreted it in their own favour, neither was fully satisfied. He described the oppressive misgovernment of the two preceding reigns, and told the Scots that, in their right as the next heirs to the throne of Scotland, his consort and himself had felt it their duty to undertake their delivery from the tyranny under which they had groaned, and which was in danger of being perpetuated by the intrusion of a suppositious heir, as the infant prince of Wales was believed to be. "But," he went on to say, "that our intentions may be so manifest that no person may doubt or pretend to doubt thereof, to excuse themselves from concurring with us in this just design for the universal good of the nation, we do declare, that the freeing that kingdom from all hazard of popery and arbitrary power for the future, and the delivering it from what at present doth expose it to both, the settling it by parliament upon such a solid basis as to its religious and civil concerns as may most effectually redress all the above-mentioned grievances, are the true reasons of our undertaking as to that nation. And therefore we persuade ourselves, that our endeavours to give the best assistance we can for the relief of so distressed a kingdom, shall not only not be misconstrued, but shall be accompanied with a cheerful and universal concurrence of the whole nation; that even those who have been instruments for the enslaving of it, will now show their dislike of what they have done by their timeous and seasonable diligence for its rescue; and that if any shall not give us that assistance, which their conscience to God and their respect to their country oblige them to, they shall be justly charged with all the evils that may be the effects of such a want of their duty. And as we ourselves desire to trust to the Almighty God alone for the success of our arms, so we expect all good men that they will apply themselves most earnestly to him for his blessing upon our endeavours, that so they may tend to the glory of his great name, to the establishment of the reformed churches, and to the peace and happiness of that kingdom." A short and formal address was returned by the council in reply to this communication, and was carried to London by lord Glamis.

All eyes, however, were now directed towards London, and thither the leading men in Scotland hastened, and the kingdom was left almost without anybody to

govern it. William, almost overwhelmed by their importunities, acted throughout with the greatest calmness, and did nothing to excite either undue hopes or fears in any party. On the 7th of January, 1689, about thirty Scottish peers and eighty gentlemen assembled at St. James's, by his special invitation, and he then simply told them, "that the only reason which induced him to engage in so great an undertaking was, that he perceived the laws and liberties of the kingdom overturned, and the protestant religion in imminent danger, and therefore seeing there were so many noblemen and gentlemen in town, he had called them together, that he might have their advice as to what was to be done for securing the protestant religion and restoring their laws and liberties according to his declaration." He then retired, and they withdrew to Whitehall to deliberate, and there chose the duke of Hamilton as their president, who, acting with great impartiality, pointed out to them the condition in which their country stood, and the necessity of lodging the executive power somewhere until a convention of the estates could be called for the final settling of the government, concluding that they could do nothing better or safer than to place the government temporarily in the hands of the prince. Only one voice was raised against this proposal, and that came from the duke's own son, the earl of Arran. According to a system which at this time prevailed among the Scottish nobility, at critical moments like the present, while the head of the family took one side, the next heir generally espoused that opposed to it, so that, whichever side gained the victory, they had a chance of saving their estates. So, while the duke of Hamilton attended the prince at St. James's, the earl of Arran had accompanied James in his barge to Rochester. In the assembly at Whitehall, after the duke, as president, had delivered his opinion, Arran arose and read a paper to the following effect:—"I respect the prince of Orange as much as any man here does; I think him a brave prince, and that we all lie under great obligations to him for delivering us from popery; but while I bestow these just praises upon him, I cannot violate my duty to the king my master. I must distinguish between his popery and his person; I dislike the one, and have sworn and do owe allegiance to the other. This makes it impossible for me to concur in an address

which gives the administration of his kingdom to another. We are Scottish, not Englishmen. The king's father and grandfather did not abdicate the crown of Scotland even by quitting their native country; how then can the king do it by quitting England only? The prince asks our advice:—my advice is, that we should address him to invite the king to return, and call a free parliament, which may provide in a constitutional way for the security of our property, liberty, and religion. All other ways are unconstitutional. By this alone the nation can avoid present and prevent future discord." Although, however, there were several of James's most zealous friends present, including his treasurer the earl of Balcarras, and the sanguinary Claverhouse, whom he had created viscount Dundee (the last Scottish peer created by James before his flight), Arran's motion appeared so inopportune, that no one seconded it, and it was so ill taken by the other party, the most numerous in the assembly, that sir Patrick Hume proposed that, before further consideration of the address, they should pass a resolution that this motion was derogatory to the honour of the prince. This proposal was calculated to give considerable embarrassment, for James's friends in principle approved of Arran's motion, but they feared that if any opposition to the prince were shown at this moment, it would only give him an excuse for sending troops into Scotland, which would act as a check upon their secret designs; but the duke, who was strongly suspected of acting in concert with his son on this occasion, urged that they were assembled only to give their advice to the prince of Orange, and that they had no ground for entering upon the discussion of a motion which had not even been seconded. They thereupon agreed unanimously to an address, in which they thanked the prince for his pious and generous undertaking, and offered their humble service and advice to his highness, that he would take upon him the administration of all affairs, both civil and military, the disposal of all the public revenues and fortresses of Scotland, and do everything necessary for the preservation of the peace of the kingdom, until a general meeting of the estates, which he was requested to appoint for the 14th of March; and they further prayed that in the election of representatives, none who were protestants should be excluded from legally voting or be dis-

qualified to be returned as members. The prince received this address graciously, and intimated his willingness to comply with the wishes of the assembly; but by a clever stroke of policy he gave his friends the start of their opponents, so as to secure for them the first chance of influencing the elections. All the Scottish leaders in London were invited to remain till they were presented to the prince as king, when they would receive the passports necessary for their return. The king's friends accepted the invitation at once, kissed his hand, and hurried back to Scotland, where they immediately busied themselves in securing the elections in favour of the popular party. The adherents of James were embarrassed by all sorts of scruples. Those who were in London were unwilling to go through the proposed introduction to William, which they considered in the light of an acknowledgment of him as king; while many of their friends in Scotland on whom they calculated as representatives, felt a reluctance to serve in a convention called by a prince whom they considered as a usurper. These scruples were only silenced by secret commands received from the exiled monarch, who urged upon his friends to lay aside all nice points of conscience, and labour to their utmost power to gain for him an ascendance in the meeting of estates. The Jacobite nobles in London immediately kissed the new king's hand, and hurried back to Scotland, but they had lost precious time which had been turned greatly to their disadvantage.

Balcarras and Dundee were among the first of their party to arrive in Edinburgh, about the end of February, and they began immediately to agitate and intrigue with the utmost zeal. They found the duke of Gordon capitulating for the surrender of the castle, and actually on the point of leaving it, but he was easily persuaded to remain until it was known how things would go in the convention. In England the revolution had been accomplished by a coalition of whig and tory; but in Scotland, where the same distinctions existed under different names, there was wide and bitter division between the presbyterians and the episcopalians, the latter, who now saw their influence shaken, attaching themselves in general to the cause of king James. The mass of the people, however, were presbyterians or whigs, and the order that none but papists should be excluded from voting, and that the elections in

the boroughs should be conducted by the unfettered poll of the freemen, gave them a decided majority, which the tories only hoped to overcome by the votes of the nobility and clergy. They had recourse, moreover, to the old practice of intimidation; and, besides having the garrison of Edinburgh castle in the hands of a governor devoted to king James, Dundee introduced into the city a troop of threescore horse who had deserted and returned from his regiment in England. The duke of Hamilton, aware of these proceedings, brought some of his armed followers into the capital to protect the convention, and many of the Cameronians also came privately into Edinburgh, so that both sides seemed to have come to decide the contest by bloodshed rather than by the calmer weapons of argument. An incident that occurred in England tended for a moment to give courage to king James's party. A large body of the Scottish regulars, who had been brought into England by James, were quartered at Ipswich, and William, who was distrustful of them, had ordered that they should be transported to Holland, in place of the Dutch troops in whose fidelity he could place confidence, and whom therefore he wished to keep near his person. The Scots mutinied, declared for king James, and, having disarmed such of their officers as would not join with them, marched out of Ipswich with colours flying, and four pieces of cannon, and declared that they would return to their own country in spite of all opposition. But the whole country was hostile to them, and after proceeding a short distance they found themselves without provisions, while the bridges were broken down and the roads hardly passable. In this dilemma they learnt the approach of four regiments of dragoons sent in pursuit of them, and they returned to their obedience and consented to be embarked for Holland.

The proceedings which followed the opening of the convention on the 14th of March, showed at once the ability of the presbyterian leaders, and the rashness of their adversaries. The latter were secretly ordered by James to separate themselves from the convention, if they could not succeed in influencing it, and to act as a body independent of it. The first trial of strength was in the choice of a president. The presbyterians proposed the duke of Hamilton for the chair, while the episcopalians opposed to him the marquis of Athol, who, after he

had succeeded in driving out his rival the earl of Perth, had turned round to his old principles, and now acted with the friends of the exiled king. The presbyterians carried their point, though it was by a small majority, and Hamilton was elected president, an office which he filled with great impartiality. After this trial of strength, twenty members who had promised to vote with the tories, deserted to their opponent, whose ranks were further swelled by the decisions on contested elections and double returns, which were rather numerous on this occasion, and were mostly decided in favour of the whigs, who, as might be expected, had contrived that the committee for their examination should contain a majority of their own party. The ecclesiastics, also, found that they had entirely lost their influence, for, while the barons were restored to their privilege of voting apart from the burghs, the spiritual lords were no longer suffered to vote as a separate state. The parliament thus constituted, sent two noblemen, the earls of Lothian and Tweeddale, to demand from the duke of Gordon the immediate surrender of the castle. The duke, with his characteristic weakness, promised obedience; but, when expostulated with by Dundee and Balcarras, who were prepared to adopt the most violent measures for the support of James's cause, Gordon changed his mind, broke his promise, and, when the messengers of parliament came to receive the castle, he offered (a suggestion of Dundee) to give them security for keeping the peace while the castle remained in his hands. The estates then sent the heralds to summon him as a papist to deliver up the castle without further delay, and guards were placed in all the avenues to stop communication with him, which was forbidden, as with a traitor, on the penalty of high treason to those who disobeyed. Another circumstance now showed that James's friends had entirely failed in their attempt to influence the convention. When they were proceeding to business, it was announced in the convention that a messenger waited at the door to deliver a letter from king James. When, however, on the introduction of the messenger, some of the late king's friends proposed that the letter should be read, Hamilton rose and reminded them that they were met together by the authority of the prince of Orange, from whom he had a letter which naturally ought to be read first, especially as James's letter might con-

tain an order to dissolve the convention, and the prince's would not. It was therefore decided that the prince's letter should be read. William told the Scots that he was sensible of the confidence they had placed in him in entrusting him with the administration of the kingdom and empowering him to call that convention, and that it now rested with themselves to settle the liberties of the nation on a solid basis, which he hoped they would do as speedily as possible, to relieve the people from their long troubles and sufferings, and he desired that, to ensure this desirable end, they would lay aside all factions and animosities. He concluded by recommending a union of the two kingdoms. Before the estates allowed James's letter to be read, they passed an act declaring, that nothing contained in it should in any way affect or impede the proceedings of the convention as a free and lawful meeting, and that in spite of any commands to the contrary, it should remain as such undissolved, until the protestant religion and the government, laws, and constitution of the kingdom, had been settled and secured. This act was signed by all present, including Balcarras and Dundee, and all the bishops. James's letter was then read. It was countersigned by lord Melfort, James's secretary of state for Scotland, and was, under the circumstances, singularly ill-judged, displaying no abandonment of his claims to arbitrary power. "My lords and gentlemen," said the exiled king, "Whereas we have been informed that you, the peers and representatives of shires and boroughs of that our ancient kingdom, were to meet together at our good town of Edinburgh, sometime in this instant, March, by the usurped authority of the prince of Orange, we think fit to let you know, that as we have at all times relied upon the faithfulness and affection of you, our ancient people, so much that in our greatest misfortunes heretofore we had recourse to your assistance, and that with good success to our affairs, so now again we require of you to support our royal interest, expecting from you what becomes loyal and faithful subjects, generous and honest men: That you will neither suffer yourselves to be cajoled nor frightened into any action misbecoming true-hearted Scotsmen, and that, to support the honour of the nation, you will condemn the base example of disloyal men, and eternize your names by a loyalty suitable to the many professions you have made to us, in doing whereof you will choose

the safest part, since thereby you will evite (*avoid*) the danger you must needs undergo, the infamy and disgrace you must bring upon yourselves in this world, and the condemnation due to the rebellious in the next. And you will likewise have the opportunity to secure to yourselves and your posterity the gracious promises we have so often made, of securing your religion, laws, properties, liberties, and rights, which we are still resolved to perform as soon as it is possible for us to meet you safely in a parliament of that our ancient kingdom. In the meantime fear not to declare for us your lawful sovereign, who will not fail on our part to give you such speedy and powerful assistance, as shall not only enable you to defend yourselves from any foreign attempt, but put you in a condition to assert our right against our enemies, who have depressed the same by the blackest of usurpations, as the most unjust as well as most unnatural of attempts, which the Almighty God may for a time permit, and let the wicked prosper, yet the end must bring confusion upon such workers of iniquity. We further let you know, that we will pardon all such as shall return to their duty before the last day of this month inclusive, and that we will punish with the rigour of our law all such as shall stand out in rebellion against us or our authority. So not doubting that you will declare for us, and suppress whatever may oppose our interest, and that you will send some of your number with an account of your diligence and posture of our affairs there, we bid you heartily farewell. Given on board the *St. Michael*, 1st of March, 1689, and of our reign the fifth year." This letter met with so much contempt, that it was not even allowed to be entered on the minutes. Next day, a general meeting of James's adherents was held, at which his warrant was produced, authorising them to disown the present convention, and giving authority to the archbishop of St. Andrews with Balcarras and Dundee, to hold a convention in his name at Stirling; and it was resolved that this order should be carried into effect on the following day. But all the chiefs of this party did not possess the desperate recklessness of Dundee or Balcarras; for the duke of Gordon was unwilling to break up the existing convention by firing upon the city, and Athol showed himself so irresolute, that the departure from Edinburgh to Stirling was deferred a day longer. Dundee

was annoyed at this procrastination, and he appears to have planned a *ruse* to hurry his companions into his design; at least this is the only light in which we can easily interpret his proceedings. The day on which he had proposed to start for Stirling, he presented himself before the convention and declared that he had received information of a design to assassinate himself and sir George Mackenzie. The latter appears to have been under no apprehensions, but retained his seat quietly in the convention, while Dundee hurried away, exclaiming against the indifference with which the convention treated his complaint, and repaired to the house where his party was deliberating. There, with the same violence, he protested against the resolution of his friends to defer the enterprise a single day, and, in spite of the expostulations of Balcarras, he immediately set out with about fifty horsemen. As he passed the castle, he held a short conference with the duke of Gordon at a postern-gate, and informed him of the plans of James's friends, entreating him to hold the castle until he should be relieved. Meanwhile the attention of the guards who watched the castle was attracted, and, mistaking the accidental spectators who were drawn together for his accomplices, they carried to the convention an exaggerated account of Dundee's numbers. The meeting became alarmed, and Hamilton, remarking that it was high time to look to their own safety when their enemies the papists were openly plotting outside, calculating no doubt on the sympathy of traitors within the assembly, suggested that they should lock the doors and lay the keys on the table, while some of their own number should be sent out to raise the alarm and collect together the well-affected. This proposal was at once agreed to, and the earl of Leven was sent out to order the drums to beat to call the citizens to arms. The trained bands were quickly assembled, and the Cameronians and other presbyterians from the west rushing out from the cellars and houses where they were concealed, a numerous body of armed men was soon got together, and James's partisans were caught as in a trap. Those of them who were in the convention were now in the utmost terror; for knowing the provocation which had been given to the "mountain-men," and entertaining vague notions of their savage character, they looked for nothing but a general massacre, and agreed

to everything that was proposed in the convention; which, having granted a warrant ordering the viscount Dundee to appear before them at their next meeting, and another for seizing all saddle-horses, adjourned. Dundee's plans were thus entirely defeated, for he reckoned especially on the marquis of Athol, who was to bring his highlanders to their assistance, and on the earl of Mar, who, as governor of Stirling castle, was to deliver up to them that fortress. Athol, intimidated by the proceedings of the convention, relinquished the design altogether, and Mar having been arrested on his way, deserted with Annandale to the whigs. Next day, the convention took more energetic steps for the defence of the kingdom; the protestant force of the country was summoned to be ready at the first call, a regiment of eight hundred Cameronians was formed for the defence of the capital within two hours, the earl of Argyle (who had returned and taken his seat, though his attainder had not yet been reversed) armed three hundred highlanders, and the Scottish regiments under general Mackay, who had accompanied William from Holland and had just arrived in Scotland, were quartered in Leith and the suburbs of the capital. Two frigates were at the same time appointed to cruise in the channel. A herald was dispatched to Linlithgow to command Dundee and lord Livingston, who had met there, to surrender and lay down their arms; and the provost of Stirling was directed to arm the townsmen and assist the garrison in intercepting those noblemen, if they retreated towards the north. The convention was thus freed from all further apprehension, and returned quietly to its deliberations.

The convention, thus relieved from all contrary influence, proceeded to the business for which it was more especially called together. Having approved and ratified the address delivered to the prince of Orange by the Scottish nobles and gentlemen in London, they agreed to an answer to his letter, which was sent to court by lord Ross. They even spoke with respect of his proposal for a union, and afterwards took it into consideration, but without arriving at any result. During the rather long supremacy of arbitrary power, many of the forms and regulations of a free parliament had been almost forgotten, and there was some disagreement as to the way in which they should proceed to consider the important

question of settling the government. Committees had been the means of so much abuse during the late reigns, that there was a strong prejudice against referring this important matter to a committee of parliament, yet, when it was proposed to bring the question at once before the whole house, the inconveniences which would attend such a course were visible to almost everybody. It was finally, after much debate, resolved, that a committee of twenty-four should be appointed, to consist of eight noblemen, eight barons, and eight burgesses, and it was a strong sign of public feeling that on this occasion the spiritual estate was entirely set aside. This committee, when finally constituted, consisted of the following individuals: the marquis of Athol, the earls of Argyle, Crawford, Sutherland, and Lothian, the viscount Tarbet, and the lords Cardross and Melville, for the lords; Cockburn of Ormiston, sir Patrick Hume of Polwart, sir William Scott of Harden, the laird of Blair, sir James Montgomery of Skilmorlie, the lairds of Grant and Pitliver, and Thomas Dunbar of Grange, for the barons; and, on the part of the burgesses, sir John Hall, sir John Dalrymple, sir Charles Halket, Mr. William Hamilton, James Fletcher, John Anderson (for Glasgow), and Robert Smith and John Muir (for Ayr.) The lord president (Hamilton) sat as a supernumerary; and, to supply the absence of the marquis of Athol and viscount Tarbet, the earls of Annandale and Dundonald were afterwards added to the committee. After due deliberation, this committee presented to the estates, on the 4th of April, a report which, after undergoing some amendments, was agreed to in the following words:—"King James the Seventh, being a professed papist, did assume the regal power, and acted as king, without ever taking the oath required by law, whereby the king, at his access to the government, is obliged to swear to maintain the protestant religion, and to rule the people according to the laudable laws; and did, by the advice of wicked and evil councillors, invade the fundamental constitution of the country, and change it from a legal limited authority to an arbitrary despotic power; and in a public proclamation asserted an absolute power to cause, annul, and disable all the laws, particularly the laws establishing the protestant religion; and did exercise that power to the subversion of the protestant religion, and to the violation of the laws and liberties of the kingdom:

by erecting public schools and societies of the jesuits; and not only allowing mass to be publicly said, but also converting protestant chapels and churches to public mass-houses, contrary to the express laws against saying and hearing of mass; by allowing popish books to be printed and dispersed, by a gift to a popish printer, designating him printer to his majesty's household, college, and chapel, contrary to the laws; by taking the children of protestant noblemen and gentlemen, sending and keeping them abroad to be bred papists, making great funds and donations to popish schools and colleges abroad, bestowing pensions upon priests, and perverting protestants from religion by offers of places, preferments, and pensions; by disarming protestants, while at the same time he employed papists in places of greatest trust, civil and military, such as chancellors, secretaries, privy councillors, and lords of session, thrusting out protestants to make room for papists, and entrusting the forts and magazines of the kingdoms in their hands; by imposing oaths contrary to law; by giving gifts or grants for exacting money without consent of parliament or conventions of estates; by levying or keeping on foot a standing army in time of peace, without consent of parliament, which army did exact locality, free and dry quarters; by employing the officers of the army as judges through the kingdom, and imposing them where there were heritable jurisdictions, by whom many of the lieges were put to death, summarily, without legal trial, jury, or record; by using inhuman tortures, without any evidence, and in ordinary crimes; by imposing exorbitant fines to the value of the parties' estates, exacting extravagant bail, and disposing of fines and forfeitures, before any process or conviction; by imprisoning persons without expressing the reason, and delaying to put them to trial; by causing pursue and forfeit several persons upon stretches of old and obsolete laws, upon frivolous small pretences, upon lame and defective probations, as particularly the late earl of Argyle, to the scandal and reproach of the justice of the nation; by subverting the right of the royal burghs, the third estate of parliament, imposing upon them not only magistrates, but also the whole town council and clerks, contrary to their liberties and express charters, without the pretence either of sentence, surrender, or consent, so that the commissions and par-

liaments being chosen by the magistrates and council, the king might in effect as well nominate that entire estate of parliament, and many of the magistrates put in by him were avowed papists, and the burghs forced to pay letters for imposing these illegal magistrates and council upon them; by sending letters to the chief courts of justice, not only ordering the judges to stop and desist *sine die* to determine causes, but also ordering and commanding them how to proceed in cases depending before them, contrary to the express laws, by changing the nature of the judges' gifts, *ad vitam aut culpam*, and giving them commissions *ad bene placitum*, to dispose them to compliance with his arbitrary causes, and turning them out of their offices when they did not comply; and particularly those who in parliament opposed the abrogating of the laws made for the security of the protestant religion; by granting personal protection for civil debts contrary to law, notwithstanding the representation of the civil court in the contrary;—the estates of the kingdom of Scotland find and declare, that king James the Seventh being a profest papist did assume the regal power, and acted as king, without ever taking the oath required by law, and hath, by the advice of evil and wicked councillors, invaded the fundamental constitution of this kingdom, and altered it from a legal limited monarchy to an arbitrary despotic power, and hath exercised the same, to the subversion of the protestant religion, and the violation of the laws and liberties of the nation, inverted all the ends of government;—whereby he hath forfeited (*forfeited*) the right to the crown, and the throne is become vacant."

After this important act had been completed, the parliament proceeded to provide for the future, and to define and assert, in an act of settlement of the crown, the rights and liberties of the country, and the limits of the royal authority. As the infringement of the freedom of the burghs was considered as one of the most dangerous encroachments of the crown during the last reign, they declared the right of the burghs to elect their own magistrates, and made temporary regulations as to the manner in which the elections should be conducted. They also declared, among other things, "that prelacy and the superiority of any office in the church above presbyters is and hath been a great and insupportable grievance and trouble to this nation, and con-

trary to the inclinations of the generality of the people ever since the reformation (they having reformed from popery by presbyters), and therefore ought to be abolished; that it is the right and privilege of the subjects to petition the king, and that all imprisonments or prosecution for such petitioning are contrary to law; that it is the right and privilege of the subjects to protest for remedy of law to the king and parliament against sentences pronounced by the lords of session, provided the same do not stop the execution of these sentences; that for redress of all grievances, and for the mending, strengthening, and preserving of the laws, parliaments ought to be frequently called and allowed to sit, and the freedom of speech and debate secured to the members." All these claims were embodied in a document entitled the "Declaration of the estates of the kingdom of Scotland," in the conclusion of which, after rehearsing all the grievances they had undergone and the rights they asserted, they said, "they do claim, demand, and insist upon all and sundry the premises as their undoubted right and liberties, and that no declarations, doings, or proceedings, to the prejudice of the people, in any of the said premises, ought in any ways to be drawn hereafter in consequence or example, but that all forefaulters, fines, loss of office, tortures, and rigorous executions be considered, and the parties leased be redeemed." With these conditions, the crown was offered to king William and queen Mary, during their lives, and, after the death of either, to the one who survived, the sole exercise of the regal power to be in the king, during their joint lives. After them, the crown was to descend first to the heirs of the queen's body, which failing, to the princess Anne of Denmark, and heirs of her body, and after them to the children of the king by any other marriage. All protestant subjects were only to be required to take the simple oath of allegiance—"I do sincerely promise and swear that I will be faithful and bear true allegiance to their majesties king William and queen Mary, so help me God!" These matters being settled, the king and queen were proclaimed at the high-cross in Edinburgh, on the 11th of April, the day of their coronation in England; and the joy at the delivery of the country was as warm as it was general.

One of the leading members of each estate, the earl of Argyle, sir James Mont-

gomery, and sir John Dalrymple, were immediately dispatched to London with a report of the proceedings of the convention, and the deed of settlement of the crown. They were commissioned to request that the convention might be turned into a parliament, and to represent certain grievances which were not included in the declaration, which they wished to be remedied. When the commissioners arrived in London, they were joined by the Scottish nobility and gentry there, who accompanied them to Whitehall, where the king and queen received them in state in the banqueting-house. Argyle, as spokesman, addressed the king in the following terms:—"It cannot be unknown to your majesty," he said, "in how sad and deplorable a condition the kingdom of Scotland was not many months ago; the liberty and property of the subject quite destroyed, our religion exposed and laid open to be ruined, by the treachery of our clergy, as well as by the compliance of our rulers; and so far had their popish and arbitrary designs succeeded, that we were well nigh past all hopes of recovery, when it pleased God to raise up your majesty to be the glorious instrument of retrieving our religion, liberty, and property, from the brink of ruin. It is from the grateful and dutiful sense of this unexpected delivery, as from the respect due to the blood of their ancient monarchs, that the estates of Scotland have commissioned us to make a humble tender to your majesty and your royal consort, of that crown and kingdom, with the firm persuasion of this rooted in their hearts, that the care of their religion, liberty, and property, could nowhere be so well lodged as in the hands of your majesties." After the commissioners had produced their credentials, the king replied to them, "that in his expedition he had a particular regard for Scotland, and had emitted a declaration for that kingdom, as well as England, which he would make effectual to them; that he took it kindly that Scotland had expressed so much confidence in him, and should testify his sense of it by promoting everything that conducted to the interest of that kingdom, and would readily concur in every measure to redress their grievances and prevent their return." The earl of Argyle next read the coronation oath, which the king and queen took solemnly, both of them repeating each article as he read it, in the following words:—"We, William and Mary, king



Engraved by H. Robinson.

JOHN GRAHAM, VISCOUNT OF DUNDEE.

OB. 1689.

FROM THE ORIGINAL OF LEIN, IN THE COLLECTION OF
THE RIGHT HON^{BLE} THE EARL OF STRATHMORE.

and queen of Scotland, faithfully promise and swear by this our solemn oath, in presence of the eternal God, that during the whole course of our lives we will serve the same eternal God to the uttermost of our power, according as he has required in his most holy word revealed and contained in the Old and New Testaments, and according to the same word shall maintain the true religion of Jesus Christ, the preaching of his holy word; and the due and right ministration of the sacraments now received and preached within the realm of Scotland; and shall abolish and gainstand all false religion contrary to the same, and shall rule the people committed to our charge according to the will and command of God revealed in his above said word, and according to the loveable laws and constitutions received in this realm no ways repugnant to the said word of the eternal God; and shall procure, to the utmost of our power; to the kirk of God and whole Christian people true and perfect peace in all time coming; that we shall preserve and keep inviolated the rights and rents, with all just privileges, of the crown of Scotland, neither shall we transfer nor alienate the same; that we

shall forbid and repress, in all estates and degrees, reif (*robbery*), oppression, and all kinds of wrong; and we shall command and procure that justice and equity, in all judgments, be kept to all persons without exception, as the Lord and father of all mercies shall be merciful to us; and we shall be careful to root out all heretics and enemies to the true worship of God, that shall be convicted by the true kirk of God of the aforesaid crimes, out of our lands and empire of Scotland. And we faithfully affirm the things above written by our solemn oath." The king hesitated at the last clause, relating to the rooting out of heretics, declaring that he was not willing to bind himself to be a persecutor; but on being assured that neither the oath nor the law of Scotland admitted of such an interpretation; he replied, "then in that sense alone I take it," and completed the obligation between him and his people.

Thus was completed a revolution which was extraordinary for the suddenness and rapidity with which the fabric of arbitrary power which it had taken so many years and so much labour to build, was thrown to the ground.

CHAPTER VIII.

DUNDEE TAKES UP ARMS IN THE HIGHLANDS; SURRENDER OF EDINBURGH CASTLE; PROCEEDINGS IN THE SCOTTISH PARLIAMENT; BATTLES OF KILLICRANKIE AND DUNKELD.

ALTHOUGH the protestant party had gained an immense, and indeed a decisive, advantage by the error of James's partisans in abandoning the convention, there remained yet much to do to secure the peace of the country. Two dangers presented themselves, against which it was necessary to make immediate provision, the insurrection of the highlanders under viscount Dundee, and the landing of troops from Ireland, where the deposed monarch had placed himself at the head of the catholics. The conduct of the government, under these circumstances, was distinguished by energy and promptitude. To secure the country against invasion, a garrison was placed in the isle of Arran, an embargo was placed on all the shipping on the west coast, and all

other methods of defence that could immediately be carried into effect, were adopted. A supply of ammunition was at the same time sent to Londonderry, then in expectation of being besieged by the catholics, which, by its gallant and successful defence, did more to hinder an invasion of Scotland from that quarter than any amount of defence that could at that moment have been collected on her shores. On the eastern coast, the strong fortress of Dunnottar was ordered to be placed in an efficient state of defence. Mackay was furnished with carriages for the transport of his troops, and with guns and ammunition, to be ready to act against the highlanders or against foreign enemies. As Balcarras and Dundee had not yet committed an overt act of rebel-

lion, no direct proceedings had been taken against them, but an accident which occurred at this moment placed them both in a different position. A messenger of the name of Brady was sent to lord Balcarras from king James, who was now in Ireland, to inform him that he had prepared an army of five thousand foot and three hundred horse for the war in Scotland, and desiring that no enterprise should be undertaken there before their arrival. This messenger had incautiously told his secret to one who was employed to watch over the intercourse between James and his friends, and on his information Brady was seized, and not only gave up the papers of which he was the bearer, but disclosed the key to the cipher in which some of them were written, and confessed all he knew about the matter. These letters, some of which were private communications from lord Melfort, were filled not only with promises of assistance and reward to James's adherents, but with threats of exemplary vengeance against the men of the revolution and those who supported the new government. As the latter felt that they were each aimed at individually, they became more decided in the course they were pursuing. The letters were read in the convention, and then printed and widely distributed, and they contributed greatly to injure the cause of the fallen king. An attempt was made to disavow them, but in vain, as their authenticity did not admit of a doubt.

The convention now issued a warrant for the arrest of Balcarras and Dundee, and the former was taken, but Dundee escaped to the highlands, and, being taken by surprise before his plans were completed, he tried to gain time by expostulating and negotiating. After leaving Edinburgh, he had remained about a fortnight in his own house, with a guard of fifty horse. When the discovery of his designs compelled him to action, he proceeded to Inverness, a town which held for the king, and contained stores and ammunition, but which was invested by the Macdonalds of Keppoch. "They"—Dundee's men—"plundered M'Intosh's lands and the neighbourhood; which M'Intosh, in a manner deserved, because the viscount had written twice to him, to declare for the king (James), and had got no return. The laird of Kilravock, with three hundred men, was on one side of Keppoch, and the town of Inverness in arms on the other. The viscount sent to Kilravock to know his design. He

professed loyalty, and so was allowed to guard his country. The magistrates of Inverness came and informed him (Dundee) that Keppoch had forced them to promise him four thousand marks. My lord Dundee told them that Keppoch had no warrant from him to be in arms, much less to plunder, but that necessity had forced him out; and told, 'he would give his bond that, at the king's return (since they had not yet declared the prince of Orange king) they should have their money repaid them.' After which he desired Keppoch to march his men with him, and he would go and engage Mackay. But the men, partly the Camerons, said they could not without the consent of their master; but the truth was, they were loaded with spoil, and neither they nor their leader had anything else in head; so they went home, plundering on the way. The viscount marched to Glengairie, and so into Badenoch, where considering the season was advanced towards the 8th of May, and the grass begun to appear, and having found the disposition of the low countries for the king, and received letters from most of the chiefs of clans of their readiness, and being informed of the substance of brevettes, letters, and commissions, and finding that Mackay was endeavouring to raise highlanders and others, for to ruin and suppress the king's faithful subjects, before the estate of his affairs in Ireland would allow him to come to their relief, the said viscount resolved to appoint a general rendezvous, which accordingly he did, to be the 18th of May, in Lochaber, and acquainted all chiefs of clans; and in the meantime Mackay being at Inverness, he took occasion to slip down through Athol to St. Johnston (Perth), where he surprised the laird of Blair, seized him, his lieutenant Pogue of that ilk, trumpet, standard, and all the troopers that were in the town, with two lieutenants of Mackay's, and two or three officers of the new levies, most of which are sent to an island of the M'Leans, which is said to be like the Bass. After which he went to Dundee, thinking to gain the two troops of Scotch dragoons; but could not prevail, because of captain Balfour, who commanded them; yet he forced them to leave Dundee, but could do no more, because the town was in rebellion (i.e., opposed to king James), and the streets barricaded. He caused seize the drums and baggage of the laird of Drum, and others of the earl of Mar's officers, and chased the lieutenant-colonel, and might have seized whole companies, but

was not at the pains; yet frightened and scattered them, so that they have not been heard of since. After which, having seized three hundred pounds of cess and excise, the lord viscount took his march through Athol and Rannoch, up to Lochaber, to keep the diet of the rendezvous. Glengairie kept the day punctually with between two and three hundred men (who on all occasions shows himself to be a man of honour, sense, and integrity.) Next came a very honest gentleman, the laird of Morer, commanding all the captain of clan Ronald's men on the mainland, near two hundred. Next came Appin and Glenco, towards two hundred. Sir Donald M'Donald was expected, but was not ready; M'Lean gave account that he was just coming; and, after having made the viscount stay six days, sir Alexander M'Lean, hearing his friends were in difficulties, sailed away to Kintyre, with his men and a hundred of M'Lean's. At the same time M'Lean fell sick. Lochiel came with six hundred men, Keppoch with two hundred, with which the viscount marched into Badenoch in haste, hearing that colonel Ramsay was coming that way, with seven hundred foot, to join Mackay at Inverness; and, accordingly, Ramsay, having marched from Edinburgh to St. Johnston (Perth), and near forty miles up towards Ruthven in Badenoch, but, upon different news of my lord Dundee's coming, went back and fore in the hall a whole night. In the end, he went back in great confusion to St. Johnston. Several of his men deserted. The Athol men got together; and, by the prudence of the gentry, with great difficulty were hindered from falling on them. Ramsay posted to Edinburgh, and got commission of fire and sword against Athol. About this time account was brought to Dundee, that Mackay was within four miles of him, with great numbers of highlanders, Grant's men, M'Intosh's, Balnagown's, Rae's, Strathra- ver's, and Monroe's, besides the standing troops. On which he caused draw out all the men, and bid them be gaining towards a very strong ground, and sent out a party immediately to view the enemy, following it himself; having left orders with Lochiel, that the body should not go above half a mile back. However, when he returned, he understood that Mackay had almost no highlanders, and was not there to fight, but to meet Ramsay. He found that all the troops had marched four miles back. However he made all haste to march to engage

Mackay; but, before he could come to the place, Mackay was so far gone that he could not be overtaken; and, being informed there that sir Donald and M'Lean were yet to join, thought fit to wait, and, in the meantime, blocked up the castle of Ruthven, where Mackay had put fifty of Grant's men in garrison. After some days, the castle, wanting provisions, surrendered; which being burnt, and last hope of M'Lean, and fear of Ramsay, my lord resolved to engage Mackay. But, so soon as he heard of the march towards him, he dislodged in the night. The viscount pursued him four days, and, by an unexpected way, came in sight of him an hour before the sunset, and pursued them so close that parties of the highlanders were within shot of the rear-guard, close to the main body, and night came on; save which, nothing could have saved them in all human probability. The ground was dangerous, and the march had been long; so that the viscount thought not fit to follow further, being within three miles of Strathbogie, a plain country, where the horse and dragoons had too much advantage of the highlanders. The next morning, hearing Mackay had marched ten miles before he halted, the viscount lay still all that day. But, being after informed that sir James Lesley, with his regiment of foot, and another regiment of dragoons, had joined Mackay, and the officers of the Scotch dragoons having sent to acquaint the viscount that there was very bad news come of the duke of Berwick's being prisoner, and of a party's being beat back that had endeavoured to land in Scotland, and that they were so surrounded with English horse and dragoons, that if there was any engagement they could not shun to fight, and therefore begged that he would go out of the way for a time, till better news should come; on all which the viscount thought fit to return to Badenoch. Most of my lord Dunfermline's people, save himself (who continued still very fixed), and the duke of Gordon's horsemen, being wearied and near their own houses, went home without leave; the highlanders, thinking themselves masters, grew very disorderly, and plundered without distinction wherever they came. The viscount fell sick, which gave boldness to the disorderly, and disheartened others. The first day he marched back he made a long march. Mackay sent a party of horse, who seized some of the duke of Gordon's gentlemen that went off, and some of the plundering

stragglers, but never came in sight of the rear-guard. The next two days, the viscount did not march six days in all, and Mackay's foot came not within ten miles of his; but, in the evening of the last day he sent up a party of two hundred horse and dragoons, who, led on by Grant, were brought upon a party of the M'Leans scattered a mile asunder seeking meal. The horse came up upon them at full gallop. Having got some advertisement, about one hundred of them got together, and finding themselves on a plain, they ran near half a mile, till they gained the foot of a hill, where they stood and fired upon the enemy, who, in the disorder, having killed two or three, and seized their baggage, thought they had nothing to do but to knock them all down, so got above them, and surrounded them; which the M'Leans perceiving, threw by their guns, drew their swords, attacked the enemy boldly, killed the English officers that commanded and eleven more, wounded many, and forced the rest to retire. Night being then come, the scattered M'Leans joined the rest. My lord Dundee marching towards them the next morning early, met Lochbury and all his party, who had not lost above four of his men, and the baggage and two old men and boys who were with it. Then the lord Dundee marched to Ruthven in Badenoch, where he learned that Ramsay had come back with eleven hundred foot, and one hundred horse had passed to Inverness; that my lord Murray had come up to Athol, had brought these men together, and saw Ramsay safe through. The next day the viscount was further informed that Ramsay and Mackay were joined and marching towards him, and that there was come to St. Johnston my lord Angus's regiment and other new troops, and to Dumblain more of that kind; he was resolved to go to Rannoch and strong ground near the low countries, but finding that the Lochaber men were going away every night by forties and fifties, with droves of cattle, and finding all the rest laden with plunder of Grant's land, and others would needs go home, gave way to it and came into Lochaber with them; dispersed them all to their respective houses, with orders to be ready within a few days if the enemy pursued, if not, to lay still till further orders; and in the meantime sent advertisement to M'Lean, sir Donald, the captain of clan Ronald, and M'Leod, to make

ready against* the rendezvous, who had not yet come forth. It is believed Mackay was very glad of this occasion, his horse being extremely wearied, and so retired to Inverness, where, on suspicion of correspondence, he seized eight officers of the Scotch dragoons, and sent them prisoners to Edinburgh with a guard of three hundred English horse. The rest of the horse and dragoons are quartered in the adjacent places for the convenience of grass. Ramsay with seven hundred foot is sent to Elgin, who summoned Gordon castle to surrender; upon which Mr. Dunbar and those that were with him immediately deserted the place. There were several hundred bolls of meal there, as well as at Strathbogie. Mackay, in the meantime, is causing seize all the meal in the low countries, and gives it to the soldiers' landladies instead of ready money, for it is believed they have not got great abundance of it. My lord Dundee hath continued in Lochaber, guarded only by two hundred commanded by sir Alexander M'Lean; but being in the heart of Glengairie and Lochiel's lands, he thinks himself secure enough, though he had not, as he has, the captain of clan Ronald with six hundred men within ten miles of him, and M'Lean, sir Donald, and M'Leod, marching towards him; so that he can march with near four thousand, or refresh in safety till such time as the state of the affairs of Ireland may allow the king to send forces to his relief."

Such is the minute recapitulation of Dundee's movements, as given in the report of one of his most zealous partisans, who, however, was either ignorant of, or concealed, their real motives. From the first, Dundee had been obliged to keep the hills, unable to cope with Mackay's numerous cavalry in the plains. His success in surprising the laird of Blair, encouraged him to attempt some other similar enterprises, but he failed in an attempt upon the town of Dundee, and lord Rollo, who was raising a force in Angus, avoided the fate of Blair by retiring into a place of safety before the viscount could reach him. At the rendezvous in Lochaber, Dundee found himself at the head of about two thousand highlanders. But Mackay had formed a plan for surrounding him, and it was with this object that colonel Ramsay, sent with reinforcements from the south, was ordered to march through Athol with a detachment of twelve hundred men. Dundee, however, had intercepted two of

Ramsay's expresses, and thus becoming acquainted with his designs, determined to intercept him in his march, and attack him with his whole force, before he could form a junction with general Mackay. Ramsay, fortunately, had received timely information of his movements, and, aware of his superiority in numbers, effected his retreat. Mackay, thus disappointed of his reinforcements, was obliged by the circumstance of his force consisting chiefly of cavalry, to keep to the plain. It was in the hope of provoking him to risk himself in the mountains, that Dundee attacked and burnt the castle of Ruthven. But Mackay had another, and a still more formidable, difficulty to contend with. Some of his best disciplined troops, composed of Scots who had served king James, were disaffected to the cause, and held secret correspondence with the enemy; and one regiment in particular, Dunmore's dragoons, had sent Dundee the assurance that they would desert to him if he would give them the opportunity. It was under this assurance, and for the purpose of giving this opportunity, that Dundee marched against Mackay with the design of engaging him. The latter, however, received intimation of his danger by captain Forbes, who had been made a prisoner at Ruthven, and stealing a march during the night, disappointed Dundee of his object. Thus defeated, Dundee made a forced march through Glenlivet and Strathdon, in the hope of intercepting his opponent; but Mackay again gained intelligence of his movements, and out-manceuvred him in another night's march, placing his army out of reach of danger on the plain. Dundee, in his exasperation, allowed his highlanders to plunder indiscriminately, until driven again into the wilds by the approach of Mackay with reinforcements on whose fidelity he could depend, when the highlanders deserted their leader to hurry home with their spoils.

It was at this time that the king's cause in Scotland received a serious blow in the surrender of Edinburgh castle. The duke of Gordon, after his interview with Dundee, declared his resolution of holding that important fortress for king James, and further provoked the convention by celebrating the news of James's landing in Ireland with bonfires and other such signs of joy. At first it appears to have been intended to establish a close blockade, and reduce the garrison by famine, as they were known to

be not well provisioned; but, on general Mackay's departure for the north, preparations were made to carry on the siege more vigorously, in order to obtain a more speedy surrender of the fortress. At ten o'clock at night on the 19th of May, the batteries of the besiegers began to play on the castle, and continued at intervals till the 26th, when the duke of Gordon made an offer of negotiation, but the convention refused to listen to any terms but unconditional surrender. The interior of the castle had suffered much from the bombardment, and the garrison had no hope of being able to hold out, or of being relieved, yet on the 29th they celebrated the restoration of Charles II. also with bonfires and acclamations. Up to this time Gordon had managed to keep up a secret correspondence with some of James's friends in the city, but the seizure of some persons who attempted to escape from the castle, led to a discovery of this intercourse, which was put a stop to, and several persons implicated in it placed under arrest. Additional trenches were now opened, and all ingress to the castle, or egress, being completely closed up, the garrison insisted on surrendering. To appease them for awhile, the duke of Gordon agreed to let down a sentinel from the rock, who was to proceed into the town, and after making inquiries, if he found that there was absolutely no hope of relief, he was to make a signal to that effect, on which the duke promised to capitulate. The concerted signal was made on the 7th of June, upon which a white flag was immediately hung out, and Gordon demanded terms, and offered to treat; but he received the same answer as before, upon which hostilities were continued till the 14th, when Gordon surrendered at discretion. Intelligence of this event reached Dundee in the wilds of Lochaber, where he was waiting the arrival of the troops promised from Ireland.

A few days before the surrender of the castle, on the 5th of June, the convention of estates met in the new character of a parliament, which had been now given to it by the king at its own desire. William's great difficulties lay in the increasing divisions of parties, and in his want of a sufficient knowledge of the characters of their leaders. The episcopal party were separating themselves every day more widely from the government of the revolution, and from their refusal to take the oaths, and their known inclination to the exiled family,

they obtained the titles of non-jurors and jacobites. Among the presbyterians, those who had during the persecution retired into Holland, enjoyed chiefly the confidence of the king, and their counsels were not always judicious. In the choice of the principal officers of state, the king gave much dissatisfaction, which might perhaps have been avoided had he been better acquainted with the people whom he had thus to rule at a distance. Lord Melville was appointed sole secretary of state, to the neglect of Montgomery, who was perhaps an abler man, and who felt keenly the neglect which this appointment implied. Hamilton was appointed the king's commissioner, but he was disappointed that a greater number of places of trust and emolument were not distributed among his family and personal friends. The treasury and the seals were placed in commission. The appointment, however, which caused the greatest and most general dissatisfaction, was that of sir James Dalrymple, who was created viscount Stair, to the office of president of the court of session, made vacant by the assassination of sir George Lockhart by a man who considered himself injured by an unjust award of the court. His son, sir John Dalrymple, who was equally unpopular, was made king's advocate. It was soon suspected by the liberal party that these ministers advised the king contrary to the interests of the people; and the injury thus done was increased by the great confidence William placed in his chaplain, Carstairs, who, though a presbyterian, laboured to impress upon his master the necessity of supporting every branch of his prerogative, the more so, he urged, since he had been raised to the throne by popular consent. By the advice of this ecclesiastic, who was jocularly called cardinal Carstairs, the affairs of Scotland were chiefly regulated during the remainder of William's reign. By these and other causes, the presbyterian party in Scotland became divided, while the episcopalians were almost to a man opposed to the court.

On the 5th of June, as above stated, the convention met as a parliament, and the duke of Hamilton, in opening it as commissioner, read a brief letter from the king, who told them that, with their own consent, he had sent instructions for turning them into a parliament, and that he gave it in charge to them to establish the church government according to their own desires and inclinations, as well as to labour for redressing all

the grievances of which they had complained. The manner in which the parliament was constituted was an extraordinary proceeding, but it was rendered necessary by the state of affairs, which, immediately after such a revolution and while civil war existed in the land, would not allow of the risk which must have been run by new elections; and with the opposition only of the episcopalians, it was agreed to bring in an act for this purpose. The committee for framing this act consisted of the earl of Lothian, lord Tarbet, Cockburn of Ormiston, sir Patrick Hume, W. Hamilton, and Patrick Spence. The act itself was brief, and worded as follows:—"The king and queen's majesties, with advice and consent of the estates of the kingdom presently assembled, do enact and declare that the three estates now met together, this fifth of June one thousand six hundred and eighty-nine, consisting of the noblemen, barons, and boroughs, are a lawful and free parliament; and are hereby declared, enacted, and adjudged to be such to all intents and purposes whatsoever, notwithstanding of the merit of any new writs or proclamation for calling the same, or the want of any other solemnity; and that all acts and statutes to be passed therein shall be received, acknowledged, and obeyed by the subjects as acts of parliament and laws of this kingdom; and it is hereby declared that it shall be high treason for any persons to disown, quarrel, or impugn the dignity and authority of this parliament upon any pretence whatsoever; and ordains the presents to be published at the market-cross of Edinburgh, that none pretend ignorance." The jacobites condemned this as an exercise of arbitrary power which infringed the constitution of the kingdom. The next step was the appointment of a president, and, instead of leaving it to the free election of the assembly, the king nominated the earl of Crawford, a proceeding which offended a great number of the presbyterian party. These different causes of discontent led to the formation of a regular parliamentary opposition, in which those who were secretly working against William's government, under the cloak of advocating liberal sentiments, acted in concert with men whose sentiments were truly patriotic, but who believed that the revolution was stopping short of its aim. This opposition was regularly organised during the short interval between the 5th and the 17th of

June, to which latter day the parliament had been adjourned as soon as the act constituting it had been passed.

The first struggle between the court and the opposition, after parliament resumed its sittings, arose upon the question of the committee of articles, which had been one of the chief instruments of despotism in the late reigns, as it gave the crown virtually the sole right of bringing forward laws. William was unwilling to give up this committee altogether, though he did not object to such modifications as would have made it comparatively harmless. He proposed that the committee of articles should be changed monthly; that a motion once rejected might be again brought forward; that motions refused by the committee might still be brought before parliament without their concurrence; and that the members of the committee should be chosen freely; but he insisted that the ministers of the crown should be members *ex officio*. A bill was drawn up in accordance with these propositions, and was laid before the parliament by the duke of Hamilton, as commissioner; but after a good deal of discussion and disagreement, the clause making the king's ministers *ex officio* members of the committee was negatived, and consequently the bill in its original form was given up. The opposition then introduced a bill of their own, in the preamble of which they declared "that the committee of parliament called the articles was and is a great grievance to the nation, and that there ought to be no committees of parliament but such as are fairly chosen by the estates, to propose motions and overtures that are first tabled in the house." In the sequel, they "declared it to be the undoubted right of the three estates to nominate committees of parliament of what number they please, being equal of every estate, and chosen by the respective estates from among themselves, for proposing motions that are first made in the house; but that the house may deliberate and resolve upon matters brought before them without referring to any committee, if they think proper; that the house may appoint a plurality of committees, and that no officer of state can be a member of them, unless chosen." This act was carried through parliament without difficulty, but the commissioner refused to ratify it, because his instructions required that the officers of state should be members of the committee without election. The parliament refused

to yield, and having drawn up their reasons against the admission of the ministers of state as a matter of right into the committee of articles, these were sent to the king. The king was still unwilling to give up the point, but he proposed to destroy the influence of the ministers in the committee, by increasing the number of its members. The parliament, making its stand on the principle of the measure, which was not changed by modifying the number, would not yield their point. This debate, carried on long and with considerable warmth, experienced two interruptions. One of these arose from a report of a secret conspiracy, of the friends of the exiled monarch to destroy the present government. It was said that the parliament was to be taken by surprise, the king's commissioner made prisoner, the representatives of the people massacred, and the city burnt. The alarm was for a while very great, and many arrests took place, especially of officers of the army, some of the regiments of which were notoriously disaffected. The parliament went so far as to order that torture should be applied, when judged necessary, to the prisoners, in order to extort confessions. It turned out, however, that the reports had been greatly exaggerated, and that the only conspiracy that existed was an association among Dundee's friends to join him, the moment he could make his way with his troops to the capital. The other interruption was of a different character. In the course of the debate on the committee of articles, some of the speakers had thrown out a suspicion that the commissioners had betrayed the nation in administering the coronation oath before they had presented the list of grievances and stipulated for their full redress. Argyle took up the matter warmly, and insisted upon an inquiry into the conduct of himself and his fellow-commissioners, and on a vote of the house exculpating them from blame. The king's advocate, who thought there was an intention of throwing blame upon him, also took up the matter personally, and the matter was debated with so much warmth during two days, that the duke of Hamilton thought it advisable to adjourn the house for a short time, until the irritation had subsided. During the adjournment, Argyle received a commission to proceed to Cantyre to protect the coast against an invasion from Ireland, and in his absence from parliament the subject was dropped.

The same jealousy between the parliament and the court showed itself in various ways through the remainder of the session. The question of the church brought new cause of discontent, for, while the king's sentiments were extremely tolerant, those of the presbyterian body were the reverse, and they were not satisfied with having their own form of church government established, but they wished all other forms to be proscribed. Prelacy was abolished, and all the acts passed in its favour since the restoration rescinded, but the ministers were disappointed when, instead of at once proclaiming presbyterianism, the king and queen only declared that they, with the advice and consent of the estates of that parliament would settle by law that form of church government which was most agreeable to the inclinations of the people. They were still, however, more offended at the king's unwillingness to relinquish the rights of patronage, and the withdrawal of a bill abolishing the king's supremacy in ecclesiastical matters. An act had passed the parliament, providing "that no person of whatsoever rank or degree, who in the former evil government had been grievous to the nation, by acting in the encroachments mentioned in the articles of the claim of right, contrary to law, or who had been a retarder or obstructor of the good designs of the estates, should be allowed to possess or be admitted into any public trust, place, or employment of whatever kind, under their majesties in the kingdom of Scotland." William allowed himself to be persuaded that the best way to rule Scotland was by a union of parties, and in his anxiety to reject no party, he not only refused to ratify this act, but he admitted to his council some of the men who were most odious to the presbyterians, thus estranging his best friends, while he failed in conciliating those who were more especially benefited by his policy. Among his official appointments, none were so universally unpopular as that of sir James Dalrymple to the presidency of the court of session. A plan was formed for defeating this appointment by challenging the whole board, which, the opposition said, was dissolved by the revolution, and, although the king had the power of filling up a vacancy as it occurred, they contended that the whole board could only be restored by parliament, and that when restored, it must elect its own president. The parliament passed an act on this subject, but the commissioner,

alleging that he had no power to ratify it, sent to London for further instructions, and a vote of parliament was in the meantime passed for stopping the signet until the king's pleasure with regard to the lords of session were known. While this question was still pending, the commissioner adjourned the parliament, and the members separated to repair to their several constituencies and spread the feeling of discontent through the country. As the regular administration of justice was impeded by the shutting up of the signet, the king, soon after the adjournment of parliament, had recourse to what was generally considered as an arbitrary measure. He commanded the lords of the session to meet on the 1st of November, and having continued sir James Dalrymple and two other judges of the appointment of the late king, who had been tried as to their qualifications according to the act of parliament, he ordered that they should act as examiners as to the qualifications of the others nominated by himself, and that the appointments of the board should thus be completed. The lords of session thus appointed were obliged to be protected in their seats by the military, so strong was the popular feeling against them.

To no party were these proceedings on the part of the court more distasteful than to the Cameronians, who had entered into the revolution with the greatest zeal, but who had brought with them all their strong prejudices and bitter animosity against their old persecutors and all the abettors of arbitrary power. The question which created the greatest difficulty among them, and was even the cause of considerable dissension, was that of sinful association, as they termed it, or, in other words, acting in concert with men of different principles from themselves. Immediately after William's arrival in England, a general meeting of the Cameronians was held, and a committee appointed to draw up a memorial of their grievances and of their views of the means of redress. Meanwhile, the prince's declaration came to Glasgow, and some of the Cameronian leaders assisted in proclaiming it. Others, however, were extremely offended at this proceeding, and joined in a protest against thus identifying themselves with a document so defective, in regard of provisions for the regulation of the church, as the manifesto which they had thus aided in promulgating. Another

meeting was held, when the memorial of the Cameronians was presented by the committee and approved; and a fast having been proclaimed, a great field meeting was held at Borland-hill in the parish of Lesmahago, where the covenant was renewed. For some reason or other, the memorial was never sent to court, and many of the Cameronians complained that the opportunity was thus lost at first starting of expostulating with the king on what they called his erastianism, and stipulating for themselves the conditions of his accepting the crown. The same division of feeling existed with regard to the convention of estates, which, when it was threatened by the friends of James, the Cameronians had hastened to the capital to defend, but on further reflection they found that the body they were protecting contained in its ranks not a few of those who had been violent persecutors and unprincipled supporters of arbitrary power. Under these circumstances it was proposed to send a protest to the convention, against such men being allowed to sit among them; but this was overruled by some of the more prudent of their party, who pointed out the injury which might be done by such a proceeding at so critical a time. Their feelings were still stronger against serving in arms under officers who had been lately employed against them, and, when the military force of the kingdom was called out to protect the government against the jacobites, they refused to serve in the ranks under such officers, and published a "memorial" of their reasons. In this paper, the Cameronians pleaded their zeal in the cause of the revolution at a time when most of those now in power were still opposed to it, and they referred to a petition in which at an earlier period they had offered their allegiance, of which, as manifesting their principles, it may be well to give some further account. In a long preamble to this remarkable document, they had recited their various sufferings, and their conduct under them, and declared their principles. They then went on to address the following earnest appeal to the estates, which has more than once been lauded for its peculiar eloquence:—"We prostrate ourselves," they said, "yet under the sorrowing smart of our still bleeding wounds, at your honours' feet, who have a call, a capacity, and we hope a heart to heal us; and we offer this our petition, conjuring your honours to hearken to us. By all the formerly felt, presently

seen, and for the future feared effects and efforts of popery and tyranny—by the cry of the blood of our murdered brethren—by the sufferings of the banished freeborn groaning in servitude in the English plantations of America—by the miseries that many thousands, forfeited, disinherited, harassed, and wasted houses and families have been reduced to—by all the sufferings of a faithful people for adhering to the ancient commanded establishment of religion and liberty—and by all the arguments of justice, necessity, and mercy, that could ever join together to begin communication among men of wisdom, piety, and virtue, humbly beseeching and craving of your honours, now when God hath given you this opportunity, to act for his glory—the good of the church and the nation—your own honour, and the happiness of posterity; now when this kingdom, the neighbouring, and all the nations of Europe, have their eyes upon you, expecting you will acquit yourselves like the representatives of a free nation, in redeeming it from slavery otherwise inevitable, following the example of your renowned ancestors, and the pattern of the present convention and parliament in England; that you will proceed without any delay to declare the late wicked government dissolved, the crown and throne vacant, and James VII., whom we never have owned, and resolved, with many thousands of our countrymen never again to own, to have really forfeited and rightly to be deprived of all right and title he ever had or could ever pretend to have thereto, and to provide that it may never be in the power of any succeeding ruler to aspire unto or arise to such a capacity of tyrannising." They then proceeded to declare in favour of the prince of Orange, but with conditions. "Since anarchy and tyranny are equally to be detested, and the nation cannot subsist without a righteous governor, as also that none can ever have a nearer right or fitter qualifications than his illustrious highness the prince of Orange, whom the Most High has singularly crowned and honoured to be our deliverer: we cry, therefore, and crave that William king of England may be chosen and proclaimed king of Scotland, and that the regal authority may be devolved upon him, with such necessary provisions and limitations as may give just and legal securities for the peace and purity of religion, the stability of our laws, privileges of parliament, liberties of the people, civil and eccle-

siastical, and may thereby make our subjection both a clear duty and a comfortable happiness; and we particularly crave that he and his successors be bound in the royal oath to profess, protect, and maintain the protestant religion, that he restore and confirm by his princely sanction the due privileges of the church, and never assume to himself an erastian supremacy in matters ecclesiastical, nor unbounded prerogative in civil. Upon such terms as these, we tender our allegiance to king William, and hope to give more pregnant proofs of our loyalty to his majesty in adverse as well as prosperous providence, than they have done or can do who profess implicit subjection to absolute authority so long only as providence preserves its grandeur."

These sentiments, somewhat embittered by what had taken place since, still governed the Cameronians; but they, or at least a large number of them, saw that in the present state of affairs their own interests required that they should exert themselves in some more efficient manner for the support of the existing government. It was proposed that a regiment of Cameronians should be raised, and Laurie of Blackwood, one of the sufferers in the late times, offered to raise within a fortnight a regiment of two battalions of ten companies each, under lord Angus, the son of the marquis of Douglas, for its colonel, and William Clelland, the same who had distinguished himself by his conduct at Drumclog, for its lieutenant-colonel. The convention immediately accepted the offer, but great difficulties arose in carrying it into effect, for the Cameronians insisted as pertinaciously on the character of the men, and on the terms on which they were to be brought together, as on that of the officers. On the sabbath-day, the 29th of April, a great field meeting was held in the neighbourhood of Douglas church, in Lanarkshire, at which the Cameronian preachers, with appropriate texts, urged the necessity of being active in God's cause. Next day, a general meeting was held for the purpose of considering the question, "whether, when an invasion from Ireland was threatened, and an intestine war was kindled in the land, it was not a necessary duty to raise a regiment of their friends, in defence of religion, the country, and themselves?" The religious scruples about sinful associations presented themselves in full force, and the meeting came to a very cautiously-worded vote, "that the country was like to be in great danger,

and that it was very expedient to have men modelled." There was, however, much discussion and dispute, and it was only by the urgent interference of some of the more moderate that at length a definite proposal was agreed to and adopted, stipulating that they should have the choice of their own officers, who should be such as were willing to take the covenant; that they should have the choice also of their own ministers; that they should not be obliged to leave the kingdom except on very urgent necessity; and that they should have liberty to represent and remonstrate their grievances "sustained these years by-gone," and to impeach according to law and justice the chief instruments and abettors thereof in church, state, army, or country. Clelland promised that the choice of officers should be conceded to them, but he explained that the other requests were totally inconsistent with military discipline. The Cameronians, however, still remained dissatisfied, and it is difficult to say what would have been the final result, had not the sudden report of the landing of the Irish brought on a vivid sense of the imminence of danger. The assembly separated, leaving Clelland to arrange the points in dispute with the general. This, however, was rendered impossible by the sending of Mackay to the north, and, as the necessity of action was every day more apparent, the levies went on, and another meeting was held, at which the same questions were discussed with so much warmth, that there seemed to be no hope of coming to any satisfactory conclusion. At length sir Patrick Hume of Polwart interfered, and, by his influence, all parties were brought to agree to a declaration in general terms, "that the cause they were called to appear for was the service of the king's majesty in the defence of the nation, recovery and preservation of the protestant religion, and in particular the work of reformation in Scotland in opposition to popery, prelacy, and arbitrary power, in all its branches and steps, until the government in church and state be brought back to their lustre and integrity established in the best and purest of times." This question being thus arranged, the Cameronian regiment assembled on the holm of Douglas on the 14th of May, and mustered twelve hundred strong. Clelland, as their lieutenant-colonel, with a captain, and one of the favourite ministers, Mr. Shields, rode along the ranks, addressed them, and explained to them their

duties and obligations; and they were soon afterwards marched to the scene of action in the north. The soldiers of the regiment seem still to have imagined that the rights for which the more zealous Cameronians had contended were conceded to them, for while they lay at Dumblane, they made a declaration of their sentiments on public affairs; and, before they marched into the highlands, they presented a petition to the parliament, requesting liberty to impeach some of the most notorious of their late persecutors, that the church might be purged of episcopal curates, that none who had been instruments of persecution or tools of the late tyranny might be admitted into places of power or trust in the state, army, or country, and that the laws should be put in force effectually against all disorders in the army, such as debauchery, drunkenness, cursing, swearing, or other vice, without respect of persons, officers, or soldiers. The Cameronian regiment was, however, soon to distinguish itself in the field in a manner which commanded general admiration.

At length the reinforcements from Ireland, so anxiously expected by viscount Dundee, arrived in the shape of a miserable contingent of between four and five hundred men under the command of major-general Cannon, an Irish officer of no great capabilities. They had been sent under a convoy of three French frigates, which, however, had been met and fought by the two Scottish men-of-war appointed to watch the channel, while all the victual and store-ships were destroyed by the English cruisers; so that when these new troops joined Dundee, instead of bringing him the promised stores, they were actually in want themselves. This disappointment was to the highlanders most disheartening; but Dundee, who was not easily discouraged at any time, was just at this moment in the midst of success, which he was eager to follow up. Blair castle, in Athol, a very important post in the highlands, was held by a retainer of the marquis of Athol, but whose political leaning, like that of the marquis himself, was very doubtful. But the lord Murray, Athol's son, who was a supporter of William's government, having returned from the parliament to his own country, collected about twelve hundred of his clan, and went to take possession of the castle of Blair. The governor refused to give it up, declaring that he held it for king James, and sent information of lord Murray's pro-

ceedings to Dundee, who was waiting quietly in Badenoch for the promised reinforcements from Ireland; but when he received the message from Blair, and understood that general Mackay was hastening to assist in the reduction of the castle, he collected the highlanders who adhered to him, amounting to about two thousand foot and a few horse, and hastened to prevent him. Dundee appears to have calculated on the disaffection of the highlanders of Athol to the new government, and while on his march, he sent an emissary who laboured, but in vain, to persuade lord Murray to declare for king James. His agents, however, among whom the most skilful in this work of treason was Simon Fraser, afterwards so notorious under the title of lord Lovat, were more successful with the clansmen, who were probably made to believe that their superior lord was a secret supporter of king James, and who perhaps saw a better chance of plunder in the one cause than in the other. When, therefore, Dundee approached with his forces, lord Murray's highlanders filled their hats with water, drank to the health of king James, and left the pass which it was their duty to defend; and Murray himself was obliged to hurry off to seek safety with Mackay. This general was advancing with about four thousand men, and had left Dunkeld, between which and Blair castle lay the dangerous pass of Killiecrankie, where the only road, not broad enough to allow more than three men to march abreast, lay along the edge of a tremendous precipice. Dundee's officers urged him to take possession of this pass, and thus stop the advance of Mackay until the great gathering of the clans, which was to take place in two days, should put him at the head of a force with which he might set him at defiance. But the viscount persuaded them that they would probably never again have such an opportunity of attacking their enemy as when he had emerged from the pass with his infantry, and the English dragoons, who were the troops most formidable to the highlanders, remained behind. On the morning of the 29th of July, Mackay entered the defile, and it can hardly be considered as other than a rash proceeding to attempt such a pass in face of the kind of enemy with whom he had to contend. As he cleared it, he came immediately in view of Dundee's army, on the opposite hill, and he drew up his men as they arrived, but the ground was so narrow,

that he could only form them three deep, without any room for a reserve. Mackay's line was thus lengthened unnecessarily, but it was too weak to resist the mode of attack of the highlanders, who formed in solid columns, according to their clans, to break the more easily the enemy's line. The day was consumed with these arrangements, and with a quarrel about the command of the cavalry, which was taken from the earl of Dunfermline, who had brought the greater part of it, by sir William Wallace, who produced the king's commission to be colonel. It was thus but an hour before sunset, when the highlanders began to descend the hill to the attack. They reserved their own fire until they came close upon Mackay's line, and then, after giving one discharge, threw away their muskets and rushed furiously on with their broadswords. The weight of the columns easily broke the feeble line opposed to them, and Mackay's troops, thrown into immediate confusion, were seized with a complete panic when they saw the havoc made by their fierce opponents, who were far better armed than themselves for fighting man to man. Dundee placed himself at the head of his small troop of cavalry, and attacked the only two troops of horse Mackay had in the battle, who were seized with the same consternation which pervaded the other troops, and instantly fled. Instead of pursuing them, he turned to gain possession of the cannon, three light field-pieces of leather, which were also instantly captured. Meanwhile, general Mackay, thus deserted by his horse, had forced his way to his right wing, where two regiments still stood firm, though astonished at the short resistance made by their comrades. Against these, Dundee ordered sir Donald Macdonald's regiment to advance, which appears to have been backward in joining in the affray, and it was at this moment, as he held out his arm directing the attack, a shot passed between the joints of his armour. He attempted to ride off the field, but as he was going he dropped from his horse, and was caught in the arms of one of his followers named Johnstone. He had just strength left to ask how the day went, and when Johnstone replied, "Well for the king, but I am sorry for your lordship," he observed that it was the less matter for him, since the day went well for his master, and expired, it appears, almost immediately. The moment his death was known in the jacobite army, all order ceased, and the

highlanders, rushing to the baggage, thought of nothing but plundering it and the dead. With the two regiments yet unbroken, Mackay might perhaps have fallen upon the plunderers and retrieved the fortune of the day, but night was already obscuring the field of battle, and not knowing then of Dundee's death, he thought it more prudent to march off in silence, and, crossing the river at the bottom of the defile, left two thousand slain on the field of battle, and five hundred prisoners. The highlanders, when they began to plunder, knew no respect of persons, and Dundee experienced the fate of the rest. His body was afterwards found where he died, stripped naked, and it was wrapped, according to some, in a blanket, or, according to others, in a highlander's plaid, and carried to Blair castle. When stripping him, the plunderers had thrown away a bundle of papers, as being of no value, and these were found on the ground near his body, and opened. Among them was a letter from king James, promising full indemnity and toleration, accompanied with another from lord Melfort, intimating to Dundee that the king had intentionally written this equivocally, that he might be enabled to evade his promises when he recovered his power. These letters were suppressed, but not until their contents had become known, and they helped to convince everybody of the insincere and treacherous character of the exiled monarch. This victory was a subject of great exultation to the jacobites; and by the exaggerated reports spread by the fugitives in order to excuse the ease with which they had been beaten, caused the utmost consternation throughout the country.

Nevertheless, the death of Dundee was a far greater loss to James's cause than any advantage he was likely to derive from the defeat of the government troops could be a gain. General Cannon, as a foreigner, was not liked by the highlanders, and he displayed no talents of a leader to gain their confidence. The victory of Killicrankie, and more especially the plunder, brought the highlanders to James's standard in greater numbers, and Cannon soon found himself at the head of a more considerable force, with which he remained among the hills, while the government and the lowlanders were recovering from their panic, and when at last, tempted by the hope of seizing the dépôt of provisions left unprotected at Perth, he advanced in force to Dunkeld, and sent a de-

tachment forwards, they, acting incautiously, were themselves surprised and captured by the troops of Mackay, who having collected his army together, again assumed the defensive. Cannon, afraid of Mackay's numerous cavalry, immediately fell back upon the hills, while Mackay, having had such recent and sad experience of the danger of risking his men among the mountain passes, kept to the plains. Either party thus moved about, watching their opponent, but without venturing upon any exploit of importance, until information brought him by the Athol men, determined Cannon to strike what he expected would be a decisive blow.

The Cameronian regiment had now been marched to the scene of war, and their main body, eight hundred men under colonel Clelland, were posted at Dunkeld, while the remaining four hundred had been sent away to Lorn and Cantyre to assist in protecting the western coast from invasion. The Athol men gave Cannon full information of the position of the Cameronians at Dunkeld, and of the temporary impossibility under which they were of receiving assistance if attacked, and he determined by a sudden advance of his whole force to overwhelm them. Some intelligence of his march having been given, it was imagined that Perth was threatened, and lord Cardross was sent to protect that town; but nobody seems to have thought of the perilous situation of the Cameronians, who were an object of especial hatred to the jacobites, and who, on account of their uncomplying character, were not in high favour with the existing government. Left thus to their own resources, and opposed to the attack of a force at least five times more numerous, colonel Clelland and his soldiers were not men to flinch from their duty, and they resolved not to desert the post which had been entrusted to them. An account of the fierce engagement which follows, drawn up from the report of the officers engaged in it, has been preserved, and it is so graphic and truthful, that we will give it without alteration or abridgment.

"The said regiment," we are told, "being then betwixt seven and eight hundred men, arrived at Dunkeld on Saturday night, the 17th of August, 1689, under the command of lieutenant-colonel William Clelland, a brave and singularly well accomplished gentleman within twenty-eight years of age. Immediately they found themselves obliged to lie at their arms, as being in the midst of

their enemies. Sunday, at nine in the morning, they began some intrenchments within the marquis of Athol's yard-dykes, the old breaches whereof they made up with loose stones, and scaffolded the dykes about. In the afternoon, about three hundred men appeared upon the hills on the north side of the town, who sent one with a white cloth upon the top of a halbert, with an open unsubscribed paper in the fashion of a letter, wherein was written as follows:—'We, the gentlemen assembled, being informed that ye intend to burn the town, desire to know whether ye come for peace or war, and do certify you, that if ye burn any one house, we will destroy you.' The lieutenant-colonel Clelland returned answer in writ to this purpose:—'We are faithful subjects to king William and queen Mary, and enemies to their enemies; and if you who send these threats shall make any hostile appearance, we will burn all that belongs to you, and otherwise chastise you as you deserve.' But, in the meantime, he caused solemnly proclaim in the market-place his majesty's indemnity, in the hearing of him who brought the foresaid paper. Monday morning, two troops of horse and three of dragoons arrived at Dunkeld under command of the lord Cardross, who viewed the fields all round and took six prisoners, but saw no body of men, they being retired to the woods. Monday night, they had intelligence of a great gathering by the fiery cross, and Tuesday morning many people appeared on the tops of the hills, and they were said to be in the woods and hills about Dunkeld more than one thousand men. About eight of the clock, the horse, foot, and dragoons made ready to march out, but a detached party was sent before of forty fusileers and fifteen halberteers under command of captain George Monro, and thirty horse, with sir James Agnew, and twenty dragoons with the lord Cardross's own cornet; after them followed ensign Lockhart with thirty halberteers. The halberts were excellent weapons against the highlanders' swords and targets, in case they should rush upon the shot with their accustomed fury; they marched also at a competent distance before the body. One hundred fusileers were under the command of captain John Campbell and captain Robert Hume, two brave young gentlemen; and upon the first fire with the enemy, captain Borthwic and captain Harris, with two hundred musketeers and pikes, were likewise

commanded to advance towards them, the lieutenant-colonel having proposed by that method to get advantage of the enemy in their way of loose and furious fighting; the body followed, having left only one hundred and fifty foot within the dykes. The first detached party, after they had marched about two miles, found before them in a glen betwixt two and three hundred of the rebels who fired at a great distance, and shot cornet Livingstone in the leg. The horse retired, and captain Monro took up their ground, and advanced firing upon the rebels to so good purpose, that they began to reel and break, but rallied on the face of the next hill, from whence they were again beat. About that time the lieutenant-colonel came up and ordered captain Monro to send a sergeant with six men to a house on the side of a wood, where he espied some of the enemy. Upon the sergeant's approach to the place, about twenty of the rebels appeared against him, but he was quickly seconded by the captain, who beat them over the hill, and cleared the ground of as many as appeared without the woods, and, upon a command sent to him, brought off his men in order. Thereafter, all the horse, foot, and dragoons marched to Perth, the lord Cardross, who commanded them, having received two peremptory orders for that effect. The second was sent to him upon his answer to the first, by which answer he told they were engaged with the enemy, and it was necessary he should stay. In that action three of captain Monro's party were wounded, one of which died of his wounds. William Sandilands, a cadet, nephew to the lord Torphichen, and a very young youth, being of that party, discharged his fusee upon the enemy eleven times. The prisoners taken the next day told the rebels lost about thirty men in that action. After the horse and dragoons were marched, some of the officers and soldiers of the earl of Angus's regiment proposed that they might also march, seeing they were in an open useless place, ill provided of all things, and in the midst of enemies growing still to greater numbers; the vanguard of Cannon's army having appeared before they were off the field. The brave lieutenant-colonel, and the rest of the gentlemen officers amongst them, used all arguments of honour to persuade them to keep their post; and for their encouragement, and to assure them they would never leave them, they ordered to draw out all their horses to

be shot dead. The soldiers then told them they needed not that pledge for their honour, which they never doubted; and seeing they found their stay necessary, they would run all hazards with them. Wednesday, with the morning's light, the rebels appeared standing in order covering all the hills about; for Cannon's army joined the Athol men the night before, and they were reported in all above five thousand men. Their baggage marched along the hills towards the west and the way that leads into Athol, consisting of a train of many more than a thousand horses. Before seven in the morning their cannon advanced down to the face of a little hill, close upon the town, and one hundred men, all armed with back, breast, and head piece, marched straight to enter the town, and a battalion of other foot close with them. Two troops of horse marched about (*round*) the town, and posted on the south-west part of it, betwixt the ford of the river and the church, and other two troops posted on the north-east of the town near the cross, who, in the time of the conflict, showed much eagerness to encourage and push on the foot. The lieutenant-colonel had before possessed some outposts with small parties, to whom he pointed out every step for their retreat. Captain William Hay and ensign Lockhart, were posted on a little hill, and the ensign was ordered with twenty-eight men to advance to a stone dyke at the foot of it. They were attacked by the rebels who were in armour and the aforesaid other battalion, and after they had entertained them with their fire for a pretty space, the rebels forced the dyke, and obliged them to retire firing from one little dyke to another, and at length to betake themselves to the house and yard-dykes; in which retreat captain Hay had his leg broken, and the whole party came off without any more hurt. A lieutenant was posted at the east end of the town with men, who had three advanced sentinels, ordered, upon the rebels' close approach, to fire and retire, which accordingly they did; and the lieutenant after burning some houses, brought in his party. Lieutenant Stuart was placed in a barricade at the cross with twenty men, who, seeing the other lieutenant retire, brought his men from that ground, and was killed in the retreat, there being a multitude of the rebels upon them. Lieutenant Forrester and ensign Campbell were at the west end of the town, within some little dykes, with twenty-four men, who fired sharply upon the enemy's horse, until great numbers

of foot attacked their dykes, and forced them to the church, where were two lieutenants and about one hundred men. All the outposts being forced, the rebels advanced most boldly upon the yard-dykes all round, even upon those parts which stood within less than forty paces from the river, where they crowded in multitudes without regard to the shot liberally poured in their faces, and struck with their swords at the soldiers on the dyke, who, with their pikes and halberds, returned their blows with interest. Others, in great numbers, possessed the town houses, out of which they fired within the dykes, as they did from the hills about; and by two shots at once, one through the head and another through the liver, the brave lieutenant-colonel was killed, while he was visiting and exhorting the officers and soldiers at their several posts. He attempted to get into the house, that the soldiers might not be discouraged at the sight of his dead body, but fell by the way. And immediately thereafter major Henderson received several wounds, which altogether disabled him, and whereof he died four days after. Captain Caldwell was shot in the breast, and is not like to recover; captain Borthwic was shot in the arm, going with succours to the church; and captain Steil got a wound in the shoulder, which he caused pance and returned again to his post. The lieutenant-colonel being dead, and the major disabled, about an hour after the action began, which was before seven in the morning, the command fell to captain Monro, who left his own post to lieutenant Stuart of Livingstone; and finding the soldiers galled in several places by the enemy's shot from the houses, he sent out small parties of pikemen with burning faggots on the points of their pikes, who fired the houses, and when they found the keys in the doors, locked them and burnt all within, which raised a hideous noise from these wretches in the fire. There was sixteen of them burnt in one house, and the whole houses were burnt down except three, wherein some of the regiment were advantageously posted. But all the inhabitants of the town, who were not with the enemy or fled to the fields, were received by the soldiers into the church and sheltered there. Notwithstanding all the gallant resistance these famous rebels met with, they continued their assaults incessantly until past eleven o'clock; in all which time there was continued thundering of shot from both sides, with flames and smoke and hideous cries filling the air; and,

which was very remarkable, though the houses were burnt all round, yet the smoke of them and of all the shot from both sides was carried everywhere outward from the dykes upon the assailants, as if a wind had blown every way from a centre within. At length the rebels, wearied with so many fruitless and expensive assaults, and finding no abatement of the courage or diligence of their adversaries, who treated them with continual shot from all their posts, they gave over and fell back, and run to the hills in great confusion. Whereupon they within beat their drums and flourished their colours, and hallooed after them with all expressions of contempt and provocations to return. Their commanders essayed to bring them back to a fresh assault, as some of the prisoners related, but could not prevail, for they answered them they could fight against men, but it was not fit to fight any more against devils. The rebels being quite gone, they within began to consider where their greatest danger appeared in time of the conflict; and for rendering their places more secure, they brought out the seats of the church, with which they made pretty good defences; especially they fortified those places of the dyke which were made up with loose stones, a poor defence against such desperate assailants. They also cut down some trees on a little hill, where the enemy galled them under covert. Their powder was almost spent, and their bullets had been spent long before, which they supplied by the diligence of a good number of men, who were employed in the time of action in cutting lead off the house, and melting the same in little furrows in the ground, and cutting the pieces into slugs to serve for bullets. They agreed that in case the enemy got over their dykes, they should retire to the house, and if they should find themselves overpowered there, to burn it and bury themselves in the ashes. In this action, fifteen men were killed besides the officers named, and thirty wounded. The amount of the enemy's loss is uncertain; but they are said to be above three hundred slain, amongst whom were some persons of note. That handful of inexperienced men was wonderfully animated to a steadfast resistance against a multitude of obstinate furies; but they gave the glory to God, and praised him and sung psalms, after they had fitted themselves for a new assault."

This gallant affair had an immediate and

decisive influence on the war, for it broke entirely the spirit of the highlanders, and, without any confidence in their commander,

Cannon, they retired with him to the north, separating on their way until he was almost without an army.

CHAPTER IX.

SIR JAMES MONTGOMERY'S CONSPIRACY; MEETING OF PARLIAMENT; CHANGE OF POLICY OF THE COURT; FAILURE OF THE CONSPIRACY; RE-ESTABLISHMENT OF PRESBYTERIANISM; A GENERAL ASSEMBLY.

THE political discontent had been increased by the sudden close of the first session of William's parliament, and presented a favourable opportunity for agitation to the different factions which had risen out of the revolution. The abrupt and frequent prorogations of parliament led the exiles who had returned from Holland to fear that there was no design to restore their forfeited estates; while the presbyterians began to suspect, from the slow and partial manner in which their reclamations were attended to, that the king intended eventually to re-establish episcopalianism. Their discontent was fomented by the intrigues and revenge of some disappointed statesmen, especially sir James Montgomery, a fanatic of a restless and ambitious disposition, under whose lead had been formed a parliamentary opposition under the title of "the club," or country party. During the recess, Montgomery procured the consent of a majority of the estates to a remonstrance to the king, in which they reproached him, in terms of affected respect, with evading the claim of rights, and with choosing for his ministers and counsellors men who had been formerly their bitterest oppressors. Montgomery himself, with the earl of Annandale and lord Ross, undertook to present this remonstrance to the king, and, in despite of his majesty's injunctions to the contrary, they proceeded to London and obtained an audience. To defend himself against the aspersions contained or implied in this paper, the king published the instructions which he had given to his commissioner, the duke of Hamilton, for the opening of the parliament, and these showed clearly that his intentions had been good. His friends defended him by insisting on the blessings which had been procured by the revolution. They endeavoured to explain to people the

difference in the political position of the two kingdoms—that while in England there had been merely an interruption of the operation of a free constitution, there had been in Scotland the overthrow of a constitutional tyranny, legalised by statutes and acts of parliament; that they were indebted to king William for the breaking of those bonds which they had forged themselves; and that if he had not yet been able to do as much as he wished, they owed it to their domestic factions which had thwarted his intentions. "His ministers," they said, "he had chosen either from among those who had suffered in the cause of their country, or by their advice, nor could he, being a stranger to the parties that divided his kingdom, be guided by any other rule than that of trusting those whom he had tried, till he became acquainted with others more worthy of his confidence." These and other reasons which were alleged in his defence were fair, and no doubt might have had their weight, but for the interested representations of men whose hopes were placed in the result of a new revolution.

Montgomery and his colleagues, when they presented the remonstrance, had been so ill received by the king, that believing they had no chance of regaining the favour of king William, and urged on by their own ambition, they threw themselves upon the most desperate courses, with the aim of bringing about a counter-revolution, of which they hoped to share among themselves the credit and the reward. The conception of this plot originated with Montgomery, who had a great conceit of his own parliamentary influence, and imagined that by it he could restore James with as much ease as he had before been driven from the throne. He communicated it first to the earl of Annandale, his brother-in-law, and

next to lord Ross, who were both disappointed at not having had a sufficient share in the favours of the new government, and embraced without hesitation a project which was to gain them, under king James, that court favour from which they were excluded under king William. James's partisans in London entered into the design eagerly, and promised money and other assistance. Montgomery received from them a considerable sum, which had been secretly sent over from France, and which he gave to the earl of Athol to carry with him to Scotland, but that nobleman is supposed to have appropriated the whole. Two noted plotters, Ferguson and Payne, were admitted as under-agents, the first to manage the intrigues at home, the other to carry on the correspondence with king James and his friends abroad. With regard to these, Montgomery's plan appears to have been as follows:—The leading conspirators in England and Scotland were to raise every political embarrassment in their power for William's government, and when the confusion in the three kingdoms was at its highest point, and William with his army was locked up in Ireland, a French fleet was to show itself in the channel. This was to be the signal for a simultaneous rising in the highlands and on the border. One division of James's army was to be transported immediately from Ireland to Scotland, while James himself, with his French auxiliaries, and another division of his Irish army, was to proceed to France, and from thence into England. Several of the Scottish nobles, who were wavering between the two parties, but saw no immediate prospect of reward from William, were induced, under feelings of disappointment and mortification, to join the conspiracy, such as the duke of Queensberry, the marquis of Athol, viscount Tarbet, and others. By dint of earnest entreaties, they obtained the liberation of the earl of Arran, who was confined in the Tower, and who, in return for this favour, entered zealously into the conspiracy. Montgomery appears to have been so eager to grasp all the honours and advantages for himself and his immediate friends, that he did not communicate the plot at first to the Scottish jacobites, who appear to have had one of their own, which was simply directed to the raising their partisans on the arrival of an army from abroad; but they saw the irritation against the government, which they laboured to increase, by mixing with the dis-

contented, assuming liberal sentiments, and crying out against the ingratitude of king William towards those who had raised him to the throne. At length, advances were made by the earl of Annandale to Balcarrais and Dunmore, who were prisoners in Edinburgh castle, and a regular coalition was now attempted between the discontented presbyterians, led by Montgomery, and the jacobites, a coalition which was too monstrous in itself to have much chance of success. It was the three original conspirators only, however, who entered into correspondence with king James, and their plans seemed to him so plausible, that he granted all their conditions, without any hesitation. These were, that presbyterianism in its most rigid form should be established in Scotland; that a general indemnity should be granted, from which six persons only were excepted, the earl of Melville, the lord Leven, generals Douglas and Mackay, the lord advocate sir John Dalrymple, and Gilbert Burnet, who was now bishop of Salisbury. Annandale was to be made a marquis, and appointed captain of Edinburgh castle and the king's commissioner to parliament; Montgomery and Ross were both to be created earls, and the former was to have the office of secretary of state for Scotland, while Ross was to be appointed colonel of the horse-guard. These conditions as well as the correspondence were carefully concealed from the rest of the conspirators; for James, who had a very easy conscience on the subject of breaking his word, and who cared not what promises he made to secure his object, was still fearful that the whole body of the jacobites would be disgusted if they knew that such men were to monopolise his favour, and Montgomery was naturally anxious to conceal the personal advantages for which he had bargained until he felt them safe within his grasp. The jacobites themselves were ready to join in any plot likely to lead to James's restoration. Montgomery's plan of proceeding was this. Knowing that the presbyterians were the majority in parliament, he proposed to move there the exclusive establishment of presbyterianism in its most rigid form, and he undertook to make this demand in such terms that king William would never grant it; while the presbyterians were smarting under the refusal, he would let them know of king James's engagement to grant what William refused; the majority in parliament were to refuse the supplies, until their de-

mand was granted; this would render the disbanding of the army necessary; and then the invasion by James's Irish and French troops and the insurrection of the jacobites were to take place.

During the winter, king William had been tormented with the complaints and demands of the Scots who had repaired to London, till he was heard to wish that Scotland were a thousand miles off, and that he had never been king of it; but, as he was on the point of leaving for the seat of war in Ireland, he was anxious to do what he safely could to appease the discontent of his northern subjects. He therefore fixed a day in the month of April for the meeting of parliament, and appointed lord Melville as his commissioner, in place of the duke of Hamilton, who was suspected of preferring his private interests to those of the kingdom. Twenty thousand pounds, with three titles of honour, were allotted for buying over the highland chiefs from the interest of the deposed king, and viscount Tarbet was employed in this delicate negotiation. This nobleman, it appears, had private reasons for wishing that the government might not be relieved from its embarrassments, and, instead of exerting himself to gain over the highland chiefs, he only laboured to bring as many of the jacobites as he could into the parliament. The highlanders were themselves too well aware of the intrigues that were going on, to care about making their peace with William's government at this moment, and the project came to nothing. All eyes were now turned towards the parliament. To ensure a majority for the opposition, it was necessary to bring in as many of the jacobites as possible, and the latter, without having apparently much confidence in their allies, saw still that the moment of confusion likely to be created by these intrigues would be most favourable for their own designs; and most of them, sacrificing their consciences to their political passions, took the oath of allegiance to king William, without which they could not appear in their place in parliament, on purpose to labour for his destruction. The whole proceeding was so dishonest, that, even among themselves, they were obliged to have recourse to mean equivocations on the relative positions of a king *de facto* and a king *de jure*; and a few with more honourable feelings than the rest, among whom were the earls of Hume and Lauderdale and the lords Oxenford and Stormont, absolutely refused to countenance the perjury of their brethren

by their examples. In the midst of these intrigues, an accident opened the eyes of the government to some of the dangers to which it was exposed. A secret agent of king James, named Strachan, was arrested at Greenock, and letters of considerable importance, found in the soles of his shoes, discovered the designs of the jacobites. Under these circumstances, lord Melville received, besides very liberal instructions, discretionary powers to act further as the course of affairs might require.

Parliament met on the 15th of April, 1690, but so little confidence had lord Melville in its temper, that, after the president, the earl of Crawford, had taken his seat *pro forma*, he adjourned it to the 22nd, and he is said to have hesitated between continuing the session and dissolving the parliament and calling a new one. Having, however, in the interval gained a few votes by a distribution of offices of state, and having learnt that some of the votes on which the opposition reckoned would be withheld, when the parliament met again, Melville allowed it to proceed to business, and read the king's letter. William addressed his Scottish subjects in very conciliatory terms, telling them that the cause of his frequent prorogations of their parliament was his desire to preside in person; he assured them that they were special objects of his affection and care; that he wished them to settle for themselves their form of church government, such as might be most conducive to the glory of God and most agreeable to the inclinations of the people; and that he reckoned confidently on their zeal for religion, and on their loyalty and affection to his person, for the speedy settlement of the great concerns of the nation upon just and reasonable foundations, in which he promised them his royal assistance and protection. Lord Melville then addressed the estates, telling them what great things the king had effected for them, and how he had risked his life and was still risking it, to rescue them from popery and slavery; and he urged upon them to lay aside their party animosities, to take warning by the great exertions which their enemies were making to restore arbitrary power, and to apply themselves vigorously to the amelioration of their country by repealing bad and enacting good laws. Crawford followed in the same tone. Yet, on the first question which involved a trial of strength, a contested election, the government had only a majority of six. The fact, however, of their being in a majority acted

like a stroke of magic on those members who, with no very decided party-feelings of their own, looked to see which would be most likely to be advantageous to themselves. Numbers of these immediately deserted the ranks of the opposition, and thenceforward voted for government. An act of the commissioner which followed—the ratifying of the two acts refused in the preceding session, one repealing the king's supremacy, the other restoring the ministers who had been expelled from their churches since 1681—produced a very beneficial effect upon the presbyterians. He gave them equal satisfaction by consenting to the abolition of the committee of articles, which had during the former reigns proved such a convenient instrument of arbitrary power. It was resolved that the parliament had power to appoint any committees for preparing motions or bills to be laid before the house, as well as to alter and change these committees at pleasure; it was agreed that the ministers of state should be admitted to these committees to propose and reason, but without any vote in them; and it was declared that any member was competent to bring any motion directly before the estates, without having received the approval of any committee, much less of a committee appointed by the king. These concessions on the part of the crown effectually paralysed all Montgomery's plans, and entirely broke the strength of the parliamentary opposition, which sunk into a war of personal altercation, in which sir James distinguished himself by his violence. The jacobites found themselves, to their no little mortification, in the position of a small faction in parliament, without the power even to save their own friends from forfeiture; but still trusting in Montgomery's talents for working mischief, and hoping at last to throw embarrassments in the way of the government, they decided on remaining in their places.

As a last resource, Montgomery resolved to bring before the house the question of church government, which, embarrassing to all parties, he believed would lead to violent discussions which must end in the dissolution of the parliament. He took it for granted that the king had given his commissioner no power to yield on this most difficult question, and he expected that any motion on the subject would be vigorously resisted. The way in which he brought the question forward, too, was artfully calculated to excite or revive suspicions of the honesty

of the king and his ministers. He said that he knew there were instructions for the settlement of religion, and he considered it disgraceful this had been so long retarded, though he thought it not difficult to point out the reasons. Some, in spite of their own principles, delayed it to curry favour with the court; others were divided in their opinions on the subject. Some were for setting up a kind of erastian presbytery, resembling that which existed in Holland; while others were for supporting civil patronage in the kirk. It was his opinion, however, that the only church government to be established in Scotland was the presbyterian, as it was settled in the year 1648, which was the government in the world not only most accordant to the word of God, but the fittest to curb the extravagance of kings and arbitrary governments under which they had so long groaned. To Montgomery's great disappointment, the only portion of the house to whom this declaration appeared to be unwelcome were the jacobites, and a committee was at once appointed, among the members of which were the earl of Crawford, lords Stair and Cardross, sir Patrick Hume, and the laird of Dun, who were to consider the matter and report upon it.

Thus was Montgomery's plot entirely defeated as far as the parliament was concerned, and an occurrence followed which exposed entirely the deceptions and fallacies upon which it was founded. The jacobite leaders began to suspect that Montgomery was playing a selfish game. King James, who, deceiving and deceived, was ill acquainted with the real state of things, had sent to Montgomery a packet of instructions and of patent commissions for himself and his friends. When Montgomery received them, he called together Annandale, Arran, and Ross, in whom, with himself, rested alone the secret of their plot, and exhibited to them the whole packet. So selfishly had the three first conspirators acted, that, when the patents for promotions, &c., were brought forth, Arran, to his extreme disgust, found that, instead of a general's commission, which he had been led to expect, the sole reward of his exertions was to be a mere remission for his father. The other three were better satisfied, and having abstracted such of the papers as could not be shown to their jacobite allies, they deposited the rest in a black box, which was carefully closed up, and then they invited Queensberry, Linlithgow,

Breadalbane, and Balcarras, to meet them at the lodgings of the marquis of Athol, to be present at the opening of a box of despatches from Ireland, which they considered it improper to examine in a partial meeting of their friends. Arran and Queensberry kept away, but the others obeyed the summons, and proceeded to open the box, when Balcarras, having closely examined the seal, declared his suspicion that the box had been opened already. Montgomery asserted solemnly that all the papers had been produced except a private friendly letter from the king, but he was not believed by men who had been so long practised in and accustomed to deceit, and the party broke up in dissatisfaction with each other. Montgomery, Annandale, and Ross, burnt all the papers to prevent any further discoveries; while Linlithgow, having carried off to his house near Edinburgh the messenger who had brought the king's packet, obtained from him all the information which the others had endeavoured to conceal. The division between Montgomery and the jacobites was thus completed, and most of the latter left the parliament and the capital, not only discouraged by the discovery of the hopelessness of the plot, but alarmed also by a disaster which had befallen their cause in the north. The clans in general were holding back until they saw the turn which affairs were likely to take in parliament; but James having sent from Ireland general Buchan, with a few officers, and a small supply of stores and money, he took the command, with general Cannon as his second, of about fifteen hundred picked men, with whom he proceeded, according to his instructions, to harass the borders of the lowlands and plunder the clans which were not favourable to James's cause. At length Buchan encamped with his little army incautiously at Cromdale on the banks of the Spey, having merely secured the ford on the river near his camp. But there was another ford, about a mile higher up, which he neglected, and by this sir Thomas Livingstone, who informed of his movements had marched from Inverness with about the same number of men, but one half cavalry, crossed the river in the night, and took them by surprise. The rout was so complete, that about four hundred of the jacobites were killed or wounded, and the rest fled without ever being able even to form, the two generals, Buchan and Cannon, escaping half naked from their beds.

When the original agents of this ill-conceived plot saw that all was over, each acted for himself, and sought only to obtain safety by betraying his companions. Lord Ross was the first who conceived the idea of hurrying to the court, and confessing the whole to the king, but some suspicions of his design having arisen among his companions, it was proposed to assassinate him, and his life is said to have been saved only by the interference of some who did not believe in his guilt. Some threatening hints, however, were dropped which for a while effectually deterred him from his journey south; but he sent for a minister, to whom he confessed the whole with expressions of the greatest contrition. He soon afterwards proceeded to London, and in a private interview with the queen disclosed all he knew of the conspiracy, but refused to commit his revelations to paper, or to become king's evidence. Ross's departure for England was no sooner known, than Montgomery determined to follow his example, and, having delivered up to lord Melville a treasonable correspondence with James's queen, he proceeded to London, where, keeping himself concealed till he had obtained his terms, he also offered to make a full confession. But when his offers were communicated to king William, who was then in Ireland, he refused to grant him a remission, unless he would consent to act as king's evidence; and, as he was unwilling to do this, he made his escape. The earl of Annandale also absconded, but his subsequent conduct was a disgraceful contrast to that of his colleagues. After lurking for some time about Bath, he learnt that his haunts were discovered, and that a warrant was out for his apprehension, upon which he removed secretly to London, where he remained for several weeks concealed in the house of Ferguson the agent. At length, to purchase his safety, he sent for the under secretary of state for Scotland, Lockhart, and signed a confession so full, that he not only declared the particulars of the plot, but the private conversation of the conspirators, and even betrayed the names of those who had sheltered him while he was seeking concealment. Nor was this all, for when Payne, the other inferior agent, escaped from the Tower, and making his way to Scotland, sought a shelter in Annandale's country-house, he was immediately delivered up to the authorities, and he was subsequently tortured, but in vain, to force him to a confession. The conduct of Annandale

excited general indignation, but it also created much alarm, especially among the jacobites, who were quite ignorant how far they might be individually implicated in his confessions, and therefore withdrew themselves as much as possible from public notice. Breadalbane, so soon as he saw the disunion among the conspirators, hurried to London to try and renew the treaty for the cessation of the highlanders; but it was too late, for William had gone to Ireland before he arrived, and general Mackay was employing the money which had been given to buy over the highlanders, in building Fort William, a strong post for bridling the clans, built on the spot previously occupied by Cromwell's garrison of Inverlochie.

The government was thus relieved from its parliamentary difficulties, and the commissioner, supported by the presbyterians, who were anxious now to prove that they had no connection with the conspirators, proceeded to carry through a number of popular measures, to which, but for the alarm which recent occurrences had created, he would probably not have obtained the king's consent. One of the first of these was an act re-establishing presbytery "as it was established by the act of 1592, ratifying the Westminster confession of faith as the public and avowed confession of the church, and declaring that the church government be exercised by those presbyterian ministers who were outed since the 1st of January, 1661, for nonconformity to prelacy, or not complying with the courses of the time, and are now restored by the late act of parliament, and such ministers and elders only as they had admitted or shall hereafter receive." A general assembly was appointed to be held in October, with the same ecclesiastical powers as were exercised before these assemblies were discontinued. The episcopal clergy made a feeble effort to impede this revolution, by presenting to parliament a petition and remonstrance against it, but their petition was read without exciting any interest in their favour, and was laid aside. The parliament was so highly gratified at the concession of church government, that they proceeded without a murmur to grant the largest subsidy that had ever been given by a Scottish parliament, amounting, in Scots' money, to two million nineteen thousand seven hundred and thirty-three pounds six shillings and eightpence, to be raised in monthly instalments during eight months of five successive years. An act was next

passed for rendering more equal the representation of the counties in parliament, by which twenty-six new members were allotted to the estate of the barons, and thus so much strength added to the most popular branch of the estates. An act of retrospective justice was next passed, by which all the forfeitures and fines incurred since the rising at Pentland in 1665 were repealed, and upwards of four hundred persons who had been attainted during the late reigns were restored to their names and estates. In cases where there had been compositions, the donors were allowed a remedy at common law for recovery of the money they had paid; but all *bona fide* transactions, where the forfeited, despairing of recovering their property, had sold their rights, were to remain untouched. As the session drew to a close, lord Melville ventured to interpret his instructions in such a manner, or some way to exceed them so far, as to yield the point of patronage. An act was passed, intrusting the nomination of ministers or vacant charges to the heritors and elders, except in royal burghs, where the magistrates and kirk session were to nominate. The person thus nominated was to be proposed to the whole congregation for their approbation, and if disapproved, the reasons were to be given in to the presbytery to which the parish belonged, to be by them finally determined. If the elders and heritors of the vacant parish failed to make their application to proceed to the choice of a minister within six months after the vacancy occurred, the choice was then to devolve on the presbytery. As a compensation to the old patrons, they were to receive, upon granting a formal renunciation, the sum of six hundred marks from the heritors of the parishes or from the town councils of the royal burghs, and if they refused to accept the compensation, it was to be placed in the hands of a responsible person, while the heritors or kirk session were to proceed as if it had been obtained, and in the meanwhile they could pursue the patron by law for a formal deed of renunciation, on granting which he could claim the payment. There were some further provisions relating to the disposal of the teinds, or tithes. This act, although the arrangement was an extremely fair one, was not agreeable to the king, who gave up the right of patronage with great reluctance, nor did it satisfy the more rigid presbyterians; but a large proportion of the nation

received it with gladness, and it might have permanently tranquillised the Scottish kirk but for circumstances and feelings which appear to be inseparable from periods of turbulence and change like that of which we are speaking. Having thus apparently provided on one side against the discontent of the presbyterians, and on the other against the designs of the jacobites, the commissioner proceeded to adopt a measure which was designed to counteract the insidious casuistry of the latter. As so many of them had taken the coronation oath evasively, with a reserve relating to the distinction between a king *de facto* and a king *de jure*, the oath was altered, and those who had to take it were now obliged to acknowledge "William and Mary as the only lawful and undoubted sovereigns, king and queen of Scotland, as well *de jure* as *de facto*," and to engage "with heart and hand, life and goods, to maintain and defend their title and government against king James and his adherents and all other enemies." The session was adjourned amid a general feeling of satisfaction; and a short session in the month of September, which was not distinguished by any acts of importance, passed over with equal unanimity of good feeling.

The general assembly of the kirk met on the 16th of October, for the first time after more than thirty years, and gave remarkable evidence of the great revolution that had taken place. On the first day of the assembly, which was devoted to fasting and humiliation, the sermon was preached by Mr. Gabriel Semple, the minister who had assisted in renewing the covenants at Lanark before the battle of Pentland-hills. As there was no moderator of a former assembly to take the chair at the opening of the proceedings, Mr. Gabriel Cunningham, a minister of the presbytery of Irvine, acted in that capacity until the assembly was constituted, when Mr. Hugh Kennedy, minister of Edinburgh, was chosen to fill that office. Lord Carmichael attended as commissioner for the king, and read a letter in which William assured them of his anxiety to do all in his power to ensure the happiness of his Scottish subjects; and told them that, as he saw with regret that differences in religious matters had been the cause of so much misery and confusion, it was in this anxiety that he had willingly concurred with his parliament in the establishment of that form of church government which was judged to

be most agreeable to their inclinations. In return for the regard which he had thus shown for their wishes, he trusted that they would proceed in such a peaceable and moderate manner as would leave him no reason for regretting what he had done. "We," he said, "never could be of the mind that violence was suited to the advancing of true religion, nor do we intend that our authority shall ever be the tool of any party. Moderation is what religion enjoins, what neighbouring churches expect from you, and we recommend to you, and we assure you of our constant favour and protection on your following of these methods, which shall be for the real advantage of true piety and the peace of our kingdom." The king's letter was, as usual, recommended in a speech by the commissioner, which appeared to be received and responded to in the spirit of moderation on which the king insisted so much. In their reply they told him that it was their resolution to proceed in the path which he had marked out for them. "The God of love," they said, "the Prince of Peace, with all the providences that have gone before us, and the circumstances we are under, as well as your majesty's most obliging pleasure, require of us a calm and peaceable procedure. And if, after the violence for conscience sake that we have suffered and so much detested, and those grievous abuses of authority in the late reigns, whereby, through some men's irregular passions, we have so sadly smarted, we ourselves should lapse into the same errors, we should certainly prove the most unjust towards God, foolish towards ourselves, and ingrate towards your majesty, of all men upon earth. Great revolutions of this nature must be attended with occasions of complaint, and even the worst of men are ready to cry out of wrong for their justest deservings. But as your majesty knows these things too well to give us the least apprehension of any impressions evil report can make, so we assure your majesty, as in the presence of God and in expectation of his dreadful appearance, that we shall study that moderation your majesty recommends." Having given this assurance to the king, and elected their committees, the assembly appointed a solemn meeting for prayer to implore the divine blessing and direction, before they proceeded to business. In their proceedings with regard to the curates they acted with great forbearance, and it was agreed that none should be censured except

such as were either ignorant, insufficient, scandalous, or erroneous. In the same spirit they repressed the violence of the Cameronians, while they received them affectionately into their communion. The Cameronian ministers elected to the assembly presented a long paper, in which they congratulated their brethren on their delivery from tyranny and prelacy, and called for an inquiry into the backslidings of so many of their brethren during the period of trial, dwelling especially upon "the sinful compliances of ministers in laying aside the exercise of the sacred office at the command of the magistrate," and on their "submitting to and encouraging others to submit to the ministrations of curates, and not testifying against the horrid violations of the solemn covenants with God; the late toleration as proceeding from an usurped absolute power; and the admitting to sealing ordinances many who had sworn the wicked oaths, persecuted the godly, and habitually complied with prelacy." As this paper was calculated to open all the sores which the king wished to be healed, it was quietly passed over in a committee; and the proclamation of the causes for a general fast, in which the Cameronians or society-men wished to make a particular declaration of all their past grievances, was expressed in such general terms, as to carry offence to none, unless it were the violent partisans of king James. Among other subjects of consideration, the assembly turned their attention particularly to the erection of schools and distribution of bibles and new testaments in the highlands, in which they received great assistance from their friends in England. Three thousand bibles, one thousand new testaments, and three thousand catechisms, were printed in the Gaelic language in London, and sent to the assembly to be distributed under their directions. At the close of their meeting, which ended apparently in mutual satisfaction, the assembly drew up a report of their proceedings to be sent to the king, in which they stated:—"We engaged to your majesty that, in all things that should come before us, we should carry ourselves with that calmness and moderation which becometh the ministers of the gospel of grace; so now, in the close of the assembly, we presume to acquaint your majesty that, through the good hand of God upon us, we have in a great measure performed accordingly. Having applied ourselves mostly and especially to what concerned this whole church,

and endeavoured by all means, ecclesiastical and proper for us, to promote the good thereof, together with the quiet of the kingdom and your majesty's contentment, God hath been pleased to bless our endeavours in our receiving to the unity and order of this church some who had withdrawn and now have joined us; and in providing for the promoting of religion and the knowledge of God in the most barbarous places of the highlands, which may be the sure way of reducing these people also to your majesty's obedience; and especially in regulating the ministers of the church, after so great revolutions and alterations; for we have, according to the use and practice of the church ever since the first reformation from popery, appointed visitations both for the southern and northern parts of the kingdom, consisting of the gravest and most experienced ministers and elders, to whom we have given instructions that none of them be removed from their places but such as are either insufficient, or scandalous, or erroneous, or supinely negligent; and that those of them be admitted to the ministerial communion with us, who, upon due trial, and a competent time for that trial, shall be found to be orthodox in doctrine, of competent abilities, of a godly, peaceable, and loyal conversation, and who shall be judged faithful to God and to the government, and who shall likewise own, submit unto, and concur with it. We have also taken care that all persons who have received wrong in any inferior judicatory of this church shall be duly redressed."

From all we know, we have every reason to believe, that the great majority of the episcopal curates were men very unworthy to act as ministers of the gospel, who had been chosen for the willingness with which they sacrificed all conscientious feelings to their personal interests in complying with the arbitrary measures of the government; and they were now willing to conform and take any oath that was required from them in order to preserve their livings. The consequence was, as the commissioners appointed to conduct the visitation were ordered to act with forbearance, a great number of unfaithful ministers was admitted into the presbyterian church who were eventually the cause of much domestic trouble. The number ejected was very small; some were displaced to make way for the return of the few ministers who now survived of those who had been turned out of their parishes for their

presbyterianism, and some, also few in number, were obliged to relinquish their benefices because, believing in the speedy restoration of king James, they refused to take the oath of allegiance to king William. These were among the first to cry out against the proceedings of the commissioners appointed by the assembly; and the episcopal party in general, quite forgetting the manner in which their benefices had been originally usurped by them and the persecutions to which the presbyterians had been exposed, filled the land with complaints of their hardships and of the injustice with which they were treated. The press soon teemed with scurrilous pamphlets against the presbyterians, and the jacobites immediately allied themselves with the episcopalians, and joined with hypocritical zeal for the threatened liberties of the country and against the attempt at establishing arbitrary power. This agitation acted in an unfortunate manner on the mind of the king. On his return from Ireland, all the Scottish nobles who from their acts or opinions might in any way be suspected of complicity in Montgomery's conspiracy, proceeded to London to obtain his pardon. These took part with the episcopalians, gave false and exaggerated accounts of the tyranny of the presbyterians, and pretended that it was the fear of them alone which had driven them to oppose William's government, promising that, if he would give them protection against their fanatical violence, they would support his crown and the government as then established. William, in his wish to conciliate the different parties, gave faith to these deceitful professions. He removed from their offices the earl of Melville and his friends, and appointed sir John Dalrymple secretary of state, and the earl of Tweeddale chancellor. He also addressed a letter to the commissioners of the general assembly, requiring them to act still more indulgently towards the episcopalian curates who were willing to conform; but the commissioners considered themselves bound to act only according to the instructions given them by the general assembly.

At length, vexed with the discord which the dispute between the presbyterians had raised, after a year of continued irritation, the king determined to call another general assembly, hoping that it would so far compromise matters with the episcopalians as to allay the general discontent, and he chose for his commissioner the earl of Lothian. The

assembly met on the 15th of January, 1692, and the earl read a letter from the king in which the ministers composing it were reproached for not having fulfilled their promises of moderation, and were told that they were only a party in the church, as a large number of ministers, not less than themselves, were not allowed to be represented. The king informed them that it was his pleasure that all such of the episcopalian ministers as were willing to sign the confession of faith and bind themselves to submit to the presbyterian assemblies and judicatories, should be admitted freely to sit and act in them, and further, that all commissions appointed by the assemblies should in future consist of presbyterian ministers and episcopalian ministers who had conformed, in equal numbers. William had not calculated prudently in imagining that the honest presbyterians, however they might be inclined to moderation or indulgence, would willingly consent to admit as fellow-rulers of their church the men who had so recently been its persecutors; and their reluctance was increased by the behaviour of the episcopalian ministers themselves, who no sooner thought that they had obtained the king's favour, than they began to act rudely and offensively, pushing forward their demands in a form and manner which showed plainly how little moderation or indulgence they were likely to show if they once attained to power. The king was disappointed and offended at the little inclination which the assembly showed to comply with his wishes, and after it had sat nearly a month, the commissioner received orders for its dissolution, which were executed in an abrupt and irregular manner. He rose up in his place in the assembly, and suddenly addressed the moderator in the following words:—"Moderator, what I said last had so little success, that I intend to give you no more trouble of that nature—only this: you have now sat about a month, which was a competent time both to have done what was the principal design in calling this assembly, of uniting with your brethren, and to have done what else related to the church; but his majesty perceiving no great inclination among you to comply with his demands, hath commanded me to dissolve this present general assembly. So I, in their majesties' name and authority, do dissolve this present general assembly." This announcement was received without any clamour, but the mode-

rator asked if that assembly were to be dissolved without naming a day for the meeting of another, as had in former times been the practice. The earl replied that his majesty would appoint another in due season, of which they would receive timely notice; and, upon an attempt of the moderator to expostulate, he told him that he could now no longer be heard except as a private individual. Accordingly, in this private capacity, the moderator proceeded to say:—"May it please your grace, this assembly, and all the members of this national church, are under the greatest obligations possible to his majesty; and if his majesty's commands to us had been in any or all our concerns in the world, we would have laid our hands upon our mouths and been silent. But they being for a dissolution of this assembly without inditing another to a certain day, therefore, having been their moderator, I, in their name, they adhering to me, do humbly crave leave to declare that the

office-bearers in the house of God have a spiritual intrinsic power from Jesus Christ, the only head of the church, to meet in assemblies about the affairs thereof, the necessity of the same being first represented to the magistrate. And further, I humbly crave that the dissolution of this assembly, without inditing a new one to a certain day, may not be to the prejudice of our yearly general assemblies granted us by the laws of the kingdom." All the members of the assembly rose up as he concluded, and declared that they adhered to what he had said, and then he turned to them and proposed that they should pray, which was the manner in which an assembly always closed its labours. This proposal, however, was met by a general demand that he should first nominate a day for the next meeting, and the moderator accordingly named the third Wednesday in August, 1693. They then performed their devotions, and separated.

CHAPTER X.

MEASURES FOR QUIETING THE HIGHLANDS; MASSACRE OF GLENCOE; MEETING OF PARLIAMENT; THE KING AND THE GENERAL ASSEMBLY; ANOTHER PARLIAMENT; INQUIRY INTO THE AFFAIR OF GLENCOE; WILLIAM PATERSON AND THE DARIEN COMPANY.

THE highlanders, though they had ventured on no new undertaking against the government, had not laid down their arms; but the attempt to pacify them ended in a disaster which threw no little odium on William's government. The management of the negotiations with them was entrusted to lord Breadalbane, a crafty, selfish, and unscrupulous nobleman, who repeatedly suggested a plan for this purpose to the secretary of state, sir John Dalrymple, who, as the heir to lord Stair, was generally known by the Scottish title of master of Stair, and is usually spoken of as secretary Stair. Stair was an able and sagacious statesman, and was one of the Scottish politicians of the day most faithful to the cause of the revolution, and most hostile to the family of the Stuarts. Breadalbane's scheme was to give the highlanders a general pardon and twelve thousand pounds, with pensions to their chiefs on condition that

they should hold four thousand clansmen ready to resist any invasion from France. This proposal was sent in the summer of 1691 to secretary Stair, who was then with the king in Flanders, and was immediately embraced and acted upon, but the duplicity of most of those engaged in the negotiation was soon apparent, and created innumerable obstacles to its progress. The highland chiefs, eager to get the money, but unwilling to give up their jacobite predilections, sent a communication secretly to king James to obtain his permission to receive the money from king William, and promise all that was required from them, while they were in reality holding themselves ready to rise in support of James on the first opportunity that should offer itself. Breadalbane, who was himself also in secret communication with the exiled monarch, and was literally serving two masters, obtained information of this intrigue, and betrayed

it to the English government. The highlanders disliked Breadalbane, and believing that he intended to embezzle the greater part of the money which was to be given to them, they revenged themselves by giving information to king William of his secret correspondence with James. This was highly resented by Breadalbane, who from interested motives was annoyed at the backwardness of the chiefs, as, beside the profit he intended to make out of the transaction, it was one part of his plan that the four thousand highlanders should be regimented by the government as a kind of local militia under their own chieftains, to be sent back to their mountains with a gratuity after the days of training were over, and to be placed under the command of some principal man of the highlands who was to have a general's pay, and this office it was well understood that he designed for himself. Stair, who was well acquainted with Breadalbane's character, worked upon his temper to irritate him more and more against the highlanders and secure his support to the existing government. Stair himself shared in his hatred of the highlanders, and it was now resolved that if they could not be brought over by fair means, the old system should be adopted of exterminating the rebels with fire and sword. This plan, in fact, was more acceptable than the other to many of the great highland chiefs of king William's party, who had many old and bitter personal feuds with the others which they were eager to revenge; this was the case especially with Breadalbane himself, and with the marquis of Argyle, who was eager to revenge himself upon the chiefs of clans who had contributed towards bringing his father to the block, and who was at this very moment involved in territorial disputes with some of them. In a letter from the camp in Flanders, written on the 25th of June, 1691, secretary Stair told Breadalbane—"Do not trouble yourself with any discouragements you may see designed against you. By the king's letter to the council, you will see he hath stopped all hostilities against the highlanders till he may hear from you, and that your time be elapsed without coming to some issue, which I do not apprehend; for there will come nothing to them." "But," he added, "if they will be mad, before Lammas they will repent it; for the army will be allowed to go into the highlands, which some thirst so

much for, and the frigates will attack them; but I have so much confidence of your conduct and capacity, to let them see the ground they stand on, that these suppositions are vain." In the month of August, a proclamation appeared, announcing that all rebels or insurgents would receive a full pardon who took the oaths to king William's government before the 1st day of January, 1692; but, as there was no immediate danger, this for a while produced little effect. In September, 1691, secretary Stair, still writing from the camp in Flanders, informed Breadalbane of the accusations which had been made against him of intriguing in favour of king James, and proceeded to say:—"Nobody believes your lordship capable of doing a thing so base, or that you could believe there could be any secrets in your treaties, where there were so many ill eyes upon your proceedings; but the truth will always hold fast. The king is not soon shaken." In the same letter he told Breadalbane—"I have heard there are endeavours using to make the highlanders either own these base terms as promised by your lordship, or else to declare their peacefulness did not proceed on your account, or for your negotiation, but because of the endeavours of others. I am not ready to believe these projects will have great effect. Let not anything discourage you, but believe all these devices will tend to magnify your service when you finish your undertaking." "There want no endeavours," Stair wrote a few days later, "to render you suspicious to the king; but he asked what proof there was for the information, and bid me tell you to go on in your business; the best evidence of sincerity was the bringing that matter quickly to a conclusion. We now would fain fancy the time is too long, and that it will be abused in the interim by those who intend not to take the allegiance, but to come down to debauch the Low Countries, and insult the government." It had now been resolved to proceed to extreme measures, and, as the time of the limitation for taking the oath approached, most of the chiefs of the clans, informed of the vengeance which hung over them, hastened to take advantage of the proclamation. The Macdonalds of Glencoe were the most backward, and as this clan lay especially under the hatred of the earl of Breadalbane, he was looking forward with great satisfaction to the consequences of their tardiness. It appears that this little

clan had been especially notorious for its depredations, and we are told that, on an occasion then recent, one of the clan having informed against his accomplices in a crime, the chief caused the informer to be tied to a tree and stabbed to death with dirks, himself giving the first blow, for which secretary Stair had procured him a pardon from king William. It was remembered, moreover, that during the late reigns, the Macdonalds of Glencoe had been remarkable above the other highlanders for the cruelties they exercised on the covenanters and Cameronians. On the 2nd of December, Stair wrote to the earl of Breadalbane, in allusion to the resolution which had been taken to have recourse to measures of severity in place of the lenient policy previously adopted—"I am convinced it is neither your fault, nor can any prejudice arise to their majesties' service by the change of measures, but only ruin to the highlanders." "I do not fail," he goes on to say, "to take notice of the frankness of your offer; I think the clan Macdonald must be rooted out. But for this, Leven and Argyle's regiment, with two more, would have been gone to Flanders; now all stops. God knows whether the twelve thousand pounds sterling had been better employed to settle the highlands or to ravage them; but since we will make them desperate, I think we should root them out before they can get that help they depend upon. Their doing, after they got king James's allowance (i.e., after they had obtained his permission to take the oaths on promise of breaking them as soon as they could serve his interests by doing so), is worse than their obstinacy; for these who lay down arms at his command, will take them up by his warrant." The day after this letter was written, on the 3rd of December, Stair wrote still more strongly to the earl, adding fuel to his desire of revenge upon the highlanders:—"I am not changed," he said, "as to the expediency of doing things by the easiest means, and at leisure; but the madness of these people, and their ungratefulness to you, makes me plainly see there is no reckoning on them, but *delenda est Carthago*. Menzies, Gengarry, and all of them, have written letters, and taken pains to make it believed that all you did was for the interest of king James. Therefore, look on, and you shall be satisfied of your revenge." Orders had now been dispatched to the privy council to issue what in Scottish law were called

"letters of fire and sword" against the refractory highlanders, and Breadalbane, Tarbet, and Argyle agreed to co-operate with the king's troops in carrying them into execution, for which purpose the privy council allotted money and other necessities, and appointed a committee for directing their application. Orders were at the same time sent to colonel Livingstone, who then commanded the forces in Scotland, to proceed with severity against all who should not have taken the oath at the appointed time, but even these orders contained a mitigating clause: "In order that the rebels may not think themselves desperate, we allow you to give terms and quarters; but in this manner only, that chieftains and heritors, or leaders, be prisoners of war, their lives only safe, and all other things in mercy: the community, taking the oath of allegiance, &c., to have quarter and indemnity for their lives and fortunes, and to be protected from the soldiers." It was intended that this exterminating warfare should extend over all the tribes of Lochaber, but, as already stated, all but the Macdonalds of Glencoe made timely submission, and averted the danger. The exception was not an unwelcome one, for Macdonald was one of those who had in the preceding summer quarrelled with Breadalbane on the subject of the negotiations, and had since been one of the most active in thwarting him, on which account the earl had done all he could to irritate secretary Stair against them. "Since the government," said the latter in a despatch to colonel Hamilton, "cannot oblige them (the highlanders), it is obliged to ruin some of them to weaken the rest, and the Macdonalds will fall into this net."

The laird of Glencoe had put off his submission till the last moment, and it was not till the end of the month of December that he presented himself at Fort William, to request the governor of that fortress, colonel Hill, to administer to him the oath of allegiance, that he might profit by the pardon and indemnity. Colonel Hill replied that he was not qualified to administer the oath, but gave him a letter to the sheriff of Argyle, imploring him to receive the chief of the Macdonalds as a lost sheep that had returned to its flock. Unfortunately for Macdonald, the winter was particularly inclement, and, with bad roads, stormy weather, and other hindrances, it was two or three days past the last day allowed for taking the

oath when he reached Inverary, and made his application to sir John Campbell of Ardkinglass, the sheriff depute. Sir John at first refused to give him the oath, because the time of grace was past, it being now the 6th of January; but at length, overcome by Glencoe's explanations and entreaties, he consented to receive him, and, having administered the oath, sent it in immediately, with a certificate and colonel Hill's letter, to Colin Campbell, the sheriff-clerk of Argyle, who was then in Edinburgh, requesting him to lay the documents before the council, and send him information whether the submission of Macdonald of Glencoe were accepted by the government or not. Campbell gave the papers to lord Aberuchill, one of the members of the privy council, to be accepted. It was already well known to the government that at the appointed time Macdonald had not taken the oath of allegiance, and his enemies already exulted in the certainty of his ruin. On the 11th of January, secretary Stair, writing from court to colonel Livingstone, said—"Just now my lord Argyle tells me that Glencoe hath not taken the oath, at which I rejoice. It is a great work of charity to be exact in rooting out that damnable sect, the worst of the highlanders. The winter is the only season in which we are sure the highlanders cannot escape us." And in another letter the secretary expressed his sentiments in the following words:—"I am glad that Glencoe did not come within the time prescribed." On the very day on which he received this first unofficial intelligence that Macdonald had not taken the oath within the time, secretary Stair obtained the king's signature to a new order relating to the clans which had submitted, in which it was suggested to the privy council—"If the tribe of Glencoe can well be separated from the rest, it will be a proper vindication to public justice to extirpate that sect of thieves." In his directions accompanying this document, dated on the 16th of January, the secretary said—"The winter is the only season in which we are sure the highlanders cannot escape us, nor carry their wives, bairns, and cattle to the mountains. It is the only time that they cannot escape you, for the human constitution cannot endure to be so long out of houses. This is the proper season to maul them in the cold long nights; and I expect you will find little resistance but from the season. I entreat you that, for a just vengeance and

public example, the tribe of Glencoe may be rooted out to purpose. The earls of Argyle and Breadalbane have promised that they shall have no retreat in their grounds, and the passes to Rannoch will be secured, and the hazard certified to the laird of Weems to reset (*receive*) them; in that case Argyle's detachment, with a party that may be posted in island Stalker, must cut them off." There can be no doubt that to obtain these orders the king, whose disposition was always lenient and merciful, had been persuaded that a single and merited act of severity would have a beneficial effect on the whole highlands, and he was kept ignorant of the circumstance of the taking of the oath by Macdonald after the appointed date. In fact, at the suggestion of lord Stair, the papers delivered to lord Aberuchill were mutilated before they were laid before the council in Edinburgh, and the fact that Glencoe's oath of allegiance had been received was suppressed. Arrangements were now secretly made for carrying into effect a design which the secretary said was to be "secret and sudden;" for, he added, it would be "better not meddle with them than not to purpose." On the 23rd of January, sir Thomas Livingstone dispatched orders to lieutenant-colonel Hamilton, the officer in chief command at Fort William, for carrying the design into execution, telling him that "it was judged for good news that Glencoe had not taken the oath of allegiance within the time prefixed." "Here, sir," he went on to say, "is a fair occasion for you to show that your garrison serves for some use. And seeing that the orders are so positive from court to me, not to spare any of those that have not timely come in, as you may see by the order I sent to your colonel, I desire you would begin with Glencoe, and spare nothing which belongs to him, but do not trouble the government with prisoners." This last direction was but a repetition of the words of secretary Stair, and was re-echoed by Hamilton in transmitting the orders to major Duncanson. In giving directions for the guarding of the passes by which any of the doomed clan might escape, he said—"You are to order your affairs so that you be at the several posts assigned you by seven of the clock to-morrow morning, being Saturday, and fall in action with them, at which time I will endeavour to be with the party from this place at the post appointed them. It will be necessary that the avenues

minded by lieutenant Campbell on the south side be secured, that the old fox nor none of his cubs get away; the orders are, that none be spared, nor the government troubled with prisoners."

Whatever reason might be pleaded for this act itself, it must be acknowledged that the manner in which it was executed was characterised by the basest treachery. After taking the oath of allegiance at Inverary, Glencoe had returned to his valley, where, hearing no more about the matter, he took it for granted that all was right, and remained with his clan in a feeling of perfect security. In the beginning of February, 1692, two companies of soldiers from Fort William, consisting of a hundred and seventy men, under Campbell of Glenlyon, marched unexpectedly into the valley of Glencoe. He was met at the entrance to the glen by Glencoe's eldest son, John Macdonald, who came with twenty of his armed clansmen to inquire the object of his visit, and no doubt to defend the pass into the valley if it had been hostile, which they might easily have done. Glenlyon assured him that they were only sent to quarter there on account of the over-crowded state of the garrison; and, as his niece was the wife of Glencoe's younger son Alexander, which constituted a sort of relationship between the two families, his word received a ready belief, and he was escorted into the valley in a friendly manner, and his men billeted among the inhabitants. For a fortnight the soldiers lived on friendly terms with their intended victims, and enjoyed their hospitality, and the evening on which the orders for the massacre arrived had been passed by Glenlyon in playing at cards with his nephew, while all the officers were under an engagement to dine with the laird on the following day. According to his orders, Glenlyon waited the hour when the whole clan would be asleep to put them into execution; but Glencoe's eldest son accidentally hearing some of the soldiers (who were highlanders themselves) remarking to one another that they liked not the work on which they were put, had his suspicions excited, and, hastening to Glenlyon's quarters found him and his men busy preparing their arms. Satisfied, however, with Glenlyon's explanation that they were going to march early against some of Glengarry's people, and by his apparently candid remark that if anything had been intended against his clan he should naturally have given warning

to his niece and her husband, the young chief returned to his residence, intending to retire to rest. But his servant gave him warning of danger, and immediately afterwards, perceiving a party of soldiers approaching with fixed bayonets, he fled to the hills, accompanied by his brother, who had been roused from his bed by his servant, who told him that it was no time for him to be sleeping, when they were murdering his brother at the door. Soon afterwards the two brothers, in their flight, heard the sound of the musketry as the soldiers were carrying on the work of slaughter. About four o'clock in the morning, a party under lieutenant Lindsay went to the house of the laird of Glencoe, and, being admitted without hesitation, shot him as he was rising from his bed. His wife had risen and dressed hastily, but they stripped her naked, tearing the rings from her fingers with their teeth, and in that condition turned her out. Indeed the soldiers seem now to have adopted the spirit of their employers, and they proceeded in their work with relentless ferocity. Nine men were bound, and in that defenceless condition shot one after another in sport. When Glenlyon had caused his own landlord to be slain, a boy of thirteen clung to his knees and supplicated for mercy, and while in that posture was killed by a pistol-shot. Nor could Glenlyon himself save any of the victims from the fury of his men, for when he attempted to preserve the life of one young man, of about twenty years of age, another officer, captain Drummond, immediately killed him. The laird of Auchintrincken, a temporary guest of the laird of Glencoe, who had submitted to the government three months before, and had at the time a protection in his pocket, was slain without inquiry. In another part of the valley, named Achnacon, a party of soldiers under sergeant Barber coming unperceived upon a party of ten men seated round a fire, poured a volley of shot among them which at once killed four and wounded four more, who were quickly dispatched. One of those who had not been wounded, and whose guest Barber had been, begged the sergeant to allow him to be shot outside in the field, and as he was being led there he suddenly took his plaid from his shoulders and threw it over the faces of the soldiers who accompanied him, and before they could disembarass themselves of it he had made his escape to the hills. The orders were to put to death all males under seventy years of

age, but the soldiers often went beyond their instructions. An old man of eighty was deliberately put to death, and another, who was wounded, having crept into a hut for protection, they set fire to it and he perished in the flames. In one place, a woman with an infant in her arms was killed, and several children not more than four years of age were pitilessly butchered. After all, however, the destruction of the Macdonalds was very incomplete, for many escaped under the protection of the tempest which raged during the night with so much violence, that the party from Fort William, whose duty it was to secure one of the outlets of the valley, were considerably beyond their time, and the alarm having been given, they found in that part of the valley only an old man left, whom they put to death. Of about two hundred males, of which the clan of Glencoe consisted, only thirty-eight were slain by their guests; the rest made their escape to the hills, and survived to give their account of the treachery to which their kinsmen had fallen victims. But besides this loss of life, it is said that many of the women, who were turned out naked without a covering or place of refuge, in a country deeply covered with snow, perished through the inclemency of the weather. Having finished as far as they could the work of slaughter, the soldiers plundered the valley, and then burnt every cottage and laid it completely waste. They carried away, as legal spoil, one thousand cows and two hundred horses.

This barbarous massacre had the immediate effect of striking terror into the jacobite clans; but it excited a general feeling of horror throughout the country, and greatly diminished the popularity of the existing government. Exaggerated accounts were sent by the jacobites to Paris, and were printed in the French journals, and thus spread over continental Europe. It certainly increased the numerous difficulties with which king William's ministers in Scotland had to contend. A new conspiracy of the jacobites at this time existed, and the king's danger, since some of his principal officers of state were deeply implicated in it; but it was defeated by the decisive victory off La Hogue, in May, which relieved the country from further apprehension of the formidable invasion from France which was to be the signal of action for the conspirators. In Scotland, the privy council itself presented a scene of division and

contention from which the duke of Hamilton withdrew in disgust; but he was induced to return to his post by the persuasions of his friend Andrew Fletcher of Saltoun, who urged upon him a more patriotic course. Under the general pressure of alarm, the government called out the militia, and gave extraordinary powers to the highland clans whose fidelity they could trust; but when the danger was over, the ministers also recovered their confidence. It was now determined to hold a parliament, for which the duke of Hamilton was appointed king's commissioner. The position of parties had undergone a modification favourable to the government, for the presbyterians, alarmed at the dangers which the kingdom had just escaped, were more united in supporting it, and the jacobites, disappointed in their designs, were afraid to enter into any open opposition; but there was a strong party opposed to the Dalrymples, resolved to bring the conduct of both under examination, and the king did not venture to send the master of Stair to Scotland, but entrusted the management of the parliament to the other secretary Johnstone, a younger son of the laird of Warriston, who showed considerable skill in securing a majority for the court before the session commenced. The parliament met on the 18th of April, 1693, and the session was opened with much formality. An order of the house, relating to parliamentary forms, was made three days after (on the 21st of April), which has been quoted as a curious picture of Scottish parliamentary manners. "It is ordered that all members of parliament do precisely keep the diets (*day's meetings*) of parliament, under the pains following, viz.—each nobleman for each diet's absence without leave or relevant excuse, twelve pounds Scots (one pound sterling); each baron six; and each burgess three; and the one-half, if not present at the calling of the rolls." None but members of parliament were allowed to remain in the house after the meeting was opened, except the eldest sons of noblemen, the senators of the college of justice, the knight-marshal, the ushers, the lion-king-at-arms, the king's agent, and one servant to the chancellor, two to the constable, two to the marshal, and one to the lord advocate. "Also, it is ordered, that none presume to sit upon the benches save the nobility; that the officers of state sit upon the steps of the throne; that the commissioners for shires and boroughs sit upon the forms appointed for them; that noblemen's eldest sons and

heirs sit on the lower bench of the throne; that the lords of session sit at one table which is to stand betwixt the throne and the commissioners from boroughs; and that none presume to sit at the clerk's table save the clerk-register and the deputies and servants to be employed by him in the service of the house, nor to stand betwixt the throne and the clerk's table; that any other persons allowed access shall sit at the farther end of the seats appointed for commissioners from shires and boroughs. And it is appointed, that the knight-marshal and macers be careful, as they will be answerable upon their peril, that these orders be obeyed, and that they exact twenty shillings sterling for each person who shall be found within the house, and are not members, or admitted as aforesaid, besides their removal, and imprisonment at the second fault; that, after the house is set, none offer to stand, or walk, or keep private discourses one with the other; that none go forth, except in cases of necessity, and that they forthwith return, nor any persons suffered to stay at the committees save members of parliament; that in the debates of the house, no person offer to interrupt another, nor direct his discourse to any but to my lord chancellor or president; that all reflections be forborne, and that no man offer at one diet, and in one business, to speak oftener than twice at most, except in such cases where leave shall be first asked and given by his majesty or commissioner; that no member shall leave the house till the meeting be dissolved."

The good feeling of the parliament was first shown in a willing vote of one hundred and eight thousand pounds sterling, to raise four regiments of foot and two of dragoons. The way in which this money was to be raised caused some discussion, as, part only being to be raised by the old plan of a cess and poll-tax, the rest was to be obtained by an excise on malt liquors, and the landlords and the farmers tried each to throw as much as possible of the burthen on the others' shoulders. Most of the acts of this parliament were of a merely temporary nature, such as those relating to the impressment of sailors, to the extension of the oath of allegiance, which was now required of all and even the lowest office-bearers in church and state, &c. The king was anxious to screen the Dalrymples, and others of the ministers who were objects of popular odium, but it was not considered prudent to resist an inquiry into the administration of justice,

which was disgraced by many abuses, mostly of old standing. The persons implicated were so numerous, that it was considered advisable not to attack them personally; but new regulations were adopted in order to provide against such abuses in future. These reforms extended to the court of sessions and to that of judiciary. Another question presented greater difficulties, which however were successfully overcome. The last general assembly of the kirk had been dissolved by the king's commissioner with a reservation to the king of the nomination of a day for the next meeting at his pleasure, but the assembly itself, in defiance of the commissioner, had named a day of meeting which was now near approaching. If the assembly was held at the day appointed, of which there appeared every probability, the breach between the presbyterians and the king would be widened, and a question would be raised as to the right of holding such meetings independent of the crown, which could not fail to lead to much confusion. Johnstone proposed to get over the difficulty by procuring from parliament a supplication to the king for the holding of a general assembly, by which the king's honour would be saved, and the presbyterians would be furnished with an excuse for not holding their own day; and, having gained over the more moderate of their ministers, he brought this proposal forward and it was carried with very little opposition. Proceedings against certain individuals lying in prison under the charge of treason, including the duke of Gordon, Lord Seaforth, and Neville Payne (one of Montgomery's agents), were got rid of by remitting them to the commissioners of judiciary; and the charges were ultimately allowed to drop, for dishonesty of principles were now so general, that when treason was ever so apparent, ministers were afraid to inquire into it too strictly, lest they should find their own immediate friends and relatives, if not themselves, implicated. The massacre of Glencoe and some other grievances were allowed to be passed over in silence, but at the close of the session the parliament addressed the following letter to the king:—"Sir, we have, in duty and obedience to your commands, and from the consideration of our unhappiness in your absence and distance from us, forborne at this time to enter upon the subject of some things that are heavy and uneasy to the people; and we have been the more confirmed to do this, because it is the greatest instance of

duty, and the most suitable return we could make to the confidence your majesty hath been pleased to put in us by calling us together at such a time. We do therefore leave it to your majesty's commissioner and secretary, now with us (who we firmly believe will give your majesty true and faithful accounts), to inform you of such things as render your subjects uneasy, and make them apprehend from their daily observation and experience, as well as from the memory of what is past, that all that is done may happen to prove ineffectual, unless your majesty, in your royal wisdom, shall fall upon measures for animating the administration here with a spirit sufficient and disposed to execute the duty and affection which we hope have appeared in the present parliament." The things to which this letter alluded as rendering the subjects uneasy were especially the affairs of the church, the massacre of Glencoe, and the conduct of the Dalrymples.

The proceedings of the parliament with regard to the church proved very unsatisfactory to the presbyterians, who imagined that the prime movers there had been the old episcopalian clergy. They regarded the supplication for a new assembly as a tacit approval of the irregular dissolution of the last, and a condemnation of their own protest on that occasion. But there was a still more serious objection to the act extending the oath of allegiance to the ministers. The more strict presbyterians held to no point of doctrine more tenaciously than to the independence of the church from the civil jurisdiction, and they deemed the imposition of any civil oaths as a qualification to sit in church courts to be an erastian encroachment on the freedom of a christian church, contrary to their own confession, and totally unwarranted by scripture. The episcopalians were equally opposed to the oath, but they imagined that it was only to bear on the presbyterians, as they knew that the ministers were their own friends, and believed that the council, having a discretionary power in that regard, would exempt them from it. The presbyterians were also encouraged in the belief that the oath would not be enforced on this occasion, but when it was known that these instructions which had come from court for holding the assembly required that the oath should be strictly enforced on all, both parties resolved not to take it. Such was the state of feeling when the king's commissioner, lord Carmichael, arrived in Edinburgh, and he found himself

in a perplexing dilemma between the impossibility of enforcing the oath and the evident impolicy of dissolving the assembly. He accordingly dispatched a messenger to London for further instructions; and at the same time the ministers sent a memorial to Carstairs, imploring his interference in their favour. A fortuitous circumstance alone saved Scotland from an event which must have added greatly to her troubles. When the messenger who carried the dispatch of lord Carmichael and the memorial of the ministers arrived in London, Carstairs was unfortunately absent, and the king, acting under the advice of Stair and Tarbet, returned an immediate and peremptory order to enforce the oaths or dissolve the assembly, which was intrusted to the same messenger to be carried back to Scotland. It was night, and he was just preparing to start, when Carstairs arrived, and, having read his letters, lost no time in ascertaining the nature of the king's instructions. When he had satisfied himself on this point, he went to the messenger, who was just on the point of entering upon his journey, and required him in the king's name to deliver to him the despatches. As the messenger had but just enough time left to enable him to reach Edinburgh before the day of meeting of the assembly, Carstairs proceeded immediately, although it was late at night, to the king's apartment, and, having told the lord in waiting that he had business of great importance, entered it and found the king in bed and fast asleep. Falling on his knees by the bedside, he gently awoke the king, who, astonished at seeing him there at that late hour and in such a posture, inquired his business. "I am come," said Carstairs, "to beg my life." The king expressed his disbelief that his chaplain could have been guilty of any crime worthy of death; upon which the latter showed him the despatches, and, when the king assumed a frown of displeasure, he begged to be allowed to explain in a few words the reason of his bold proceeding, offering afterwards to submit to any punishment the king might judge his conduct merited. What he said has been reported in the following words:—"The king had now known him long, and knew his entire fidelity and attachment to his person and government. Some of his servants in Scotland might find it their interest to impose upon his majesty to screen themselves from his merited displeasure; others might, under the mask of zeal for his service, seek only

to gratify their own private resentments, and, while they pretended to conciliate all parties to his government, might pursue such measures as would only unite them in opposing it; that this was the foundation of all these factions that had hitherto rent that kingdom and made its crown sit so uneasy upon his head; but for his own part he could call God to witness that ever since he entered into his majesty's service, he had had no interest, for he could have none, separate from that of his master; that though he had been educated a presbyterian, and had a natural bias to that form of church government, yet his majesty knew that when he recommended the establishment of presbytery in Scotland, he did it because he was firmly persuaded the presbyterians were the only friends his majesty had in that country. His regard, however, to their principles had not rendered him blind to their faults; he had been aware of the indiscreet use they might make of lord Melville's concessions, and had freely spoken his sentiments on the subject; and with the same freedom he had remonstrated against the precipitate measures adopted in the last session of parliament under the pretext of correcting the errors of the former. The effects had justified his opinion of both. The first had alienated all the episcopalians, the last, great part of the presbyterians, from his administration. One thing alone was wanting to complete the wishes of his enemies, and that was to cement the two parties by one common bond of union, for which nothing could be better calculated than the advice given to his majesty, to insist upon the ministers taking the oaths before he allowed the assembly to sit. Although there was nothing unreasonable in the request, yet some of the leaders had succeeded in representing their compliance as inconsistent with their principles, and had prevailed upon them to refuse; but, however unjustifiable such conduct might be, it proceeded from no disaffection to his royal person and government; and while that was the case, it was more his interest to confirm their affection by dispensing with, than alienate them by enforcing, the rigour of the law; and by countermanding the instructions he had sent down to his commissioner, he would confer the greatest obligation on the whole body of the presbyterian ministers, gratify all his friends in that country, and thwart the insidious arts of his and their enemies." William, who had listened attentively, acknowledged

his conviction by giving him the despatches to read and ordering him to commit them to the fire. He then bade Carstairs write out such instructions as he thought would be for the public advantage, on which the latter penned a letter to the commissioner, ordering him to dispense with putting the oaths to the ministers. This was signed by the king, and dispatched by the messenger, but in consequence of the delay he only reached the Scottish capital on the morning appointed for the meeting of the assembly. The assembly was filled with the gloomiest anticipations, when to their universal astonishment they were told that the oath was not to be enforced. In a transport of joy, they wrote a letter of humble thanks to the king, and adopted the very measure which, under a different name, had been the main subject of disagreement—the admission to ministerial communion of such of the conforming ministers as, having qualified themselves according to law, should acknowledge the confession of faith, and submit to the presbyterian church government.

Not long after the meeting of this assembly (in the December of 1694), the king experienced a great personal loss in the death of his consort, queen Mary. Before that event, Carstairs, who enjoyed his confidence in the highest degree, had become his principal adviser in Scottish affairs, and during the remainder of his reign he may be considered as almost their sole director. The king, entirely engrossed with his continental wars, and already fatigued with the factions and intrigues which prevailed among his subjects in the north, seems from this time forward to have given them a very small share of his attention. About the same time with queen Mary, a nobleman who had of late acted a prominent part in Scottish politics, the duke of Hamilton, was also removed from the scene of his activity by the stroke of death.

Early in the following year (1695) it was found necessary to obtain new subsidies to support the Scottish regiments which had done good service in the war, and it was resolved to call a parliament. The popular discontent still continued, to appease which it was thought advisable at length to institute some inquiry into the circumstances connected with the massacre of Glencoe, and, before the parliament was called, a commission passed the great seal for taking recognition of that affair, as a preliminary step to the trial of the persons concerned in

it. The earl of Tweeddale, now created a marquis, was sent down as the king's commissioner, and the parliament was opened on the 9th of May, when he read a letter from the king, who told his Scottish subjects that he regretted that his pressing engagements abroad still prevented him from opening the estates in person, but he congratulated them on the spirit of moderation which appeared to prevail in their church, and assured them that he had not forgotten their wishes as communicated to him at the end of the former session of parliament. The marquis of Tweeddale, after repeating the assurances of the king's regard for his Scottish subjects, and his attachment to their kirk, told the parliament that if they found it would tend to the advancement of trade, that an act should be passed for the encouragement of such as should acquire and establish a plantation in Africa or America, or any other part of the world where plantations might be lawfully acquired, the king was willing to declare that he would grant to his subjects of Scotland, in favour of their plantations, such rights and privileges as he was accustomed to grant to the subjects of his other dominions. The earl of Annandale, who now appeared as a zealous supporter of William's government, followed the commissioner, and strongly recommended a cheerful acquiescence in the king's demands. The parliament replied by voting an address of condolence to his majesty on the death of the queen, and by granting a sum of one hundred and twenty thousand pounds sterling for the service of the ensuing year, to be raised by a general poll-tax, a land-tax, and an additional excise.

One of the first questions raised in the house was that of the massacre of Glencoe, to which Tweeddale replied by announcing the appointment of a commission of investigation, and promising that the result should be speedily communicated to them. This investigation appears to have been carried on fairly and candidly, and the report of the commission, with all the documents, having been laid before the estates, they discussed it section by section, sifting closely all the evidence, and the deliberate judgment of parliament on the whole was delivered in an address to the king, of which the following is a copy:—"We, your majesty's most loyal and dutiful subjects, the noblemen, barons, and boroughs assembled in parliament, do humbly represent to your

majesty, that in the beginning of this session we thought it our duty, for the more solemn and public vindication of the honour and justice of the government, to inquire into the barbarous slaughter committed in Glencoe in February, 1692, which has made so much noise in this kingdom and your majesty's other dominions. But we being informed by your majesty's commissioner, that we were prevented in this matter by a commission under the great seal for the same purpose, we did upon the reading of the said commission unanimously acquiesce to your majesty's pleasure, and returned our humble acknowledgments for your royal care in granting the same. And we only desired that the discoveries to be made should be communicated to us; to the end that we might add our zeal to your majesty's for prosecuting such discoveries, and that in so national a concern the vindication might be as public as the reproach and scandal had been; and principally that we, for whom it was proper, might testify to the world how clear your majesty's justice is in all this matter.—And now your majesty's commissioner having upon our repeated instances communicated to us a copy of the report transmitted by the commission to your majesty, with your majesty's instructions, the master of Stair's letters, the orders given by the officers, and the depositions of the witnesses relating to that report, and the same being read and compared, we could not but unanimously declare that your majesty's instructions of the 11th and 16th days of January, 1692, touching the highlanders who had not accepted in due time of the benefit of the indemnity, did contain a warrant for mercy to all without exception who should offer to take the oath of allegiance and come in upon mercy, though the 1st of January, 1692, prefixed by the proclamation of mercy, was past, and that these instructions contain no warrant for the execution of the Glencoe men, made in February thereafter. And here we cannot but acknowledge your majesty's clemency upon this occasion, as well as the whole tract of your government over us; for had your majesty, without new offers of mercy, given positive orders for the executing the law upon the highlanders, that had already despised your repeated indemnities, they had but met with what they had justly deserved.—But it being your majesty's mind, according to your signal clemency, still to offer them mercy, and the killing of

the Glencoe men being upon that account unwarrantable, as well as the manner of doing it being barbarous and inhuman, we proceeded to vote the killing of them a murder and to inquire who had given occasion to it or were the actors in it.—We found, in the first place, that the master of Stair's letters had exceeded your majesty's instructions towards the killing and destruction of the Glencoe men. This appeared by the comparing of the instructions and letters, whereof the just attested duplicates are herewith transmitted, in which letters the Glencoe men are over and over again distinguished from the rest of the highlanders, not as the fittest subjects of severity, in case they continued obstinate and made severity necessary according to the meaning of the instructions, but as men absolutely and positively ordered to be destroyed, without any further consideration than that of their not having taken the indemnity in due time; and their not having taken it, is valued as a happy incident, since it afforded an opportunity to destroy them. And the destroying of them is urged with a great deal of zeal as a thing acceptable and of use, and this zeal is extended even to the giving of directions about the manner of cutting them off; from all which it is plain, that though the instructions be for mercy to all that will submit, though the day of indemnity was elapsed, yet the letters do exclude the Glencoe men from this mercy.—In the next place, we examined the orders given by sir Thomas Livingstone in this matter, and were unanimously of opinion that he had reason to give such orders for the cutting off the Glencoe men, upon the supposition that they had rejected the indemnity, and without making them new offers of mercy, being a thing in itself lawful, and which your majesty might have ordered. And it appearing that sir Thomas was then ignorant of the peculiar circumstances of the Glencoe men, he might very well understand your majesty's instructions in the restricted sense which the master of Stair's letters had given them, or understand the master of Stair's letters to be your majesty's additional pleasure; and it is evident he did, by the orders which he gave, where any addition that is to be found in them to your majesty's instructions is given not only in the master of Stair's sense, but in his words.—We proceeded to examine colonel Hill's part of the business, and were unanimous that

he was clear and free of the slaughter of the Glencoe men; for though your majesty's instructions and the master of Stair's letters were sent straight from London to him, as well as to sir Thomas Livingstone, yet he, knowing the peculiar circumstances of the Glencoe men, shunned to execute them, and gave no orders in the matter, till such time as knowing that his lieutenant-colonel had received orders to take with him four hundred men of his garrison and regiment for the expedition against Glencoe, he, to save his own honour and authority, gave a general order to Hamilton, his lieutenant-colonel, to take the four hundred men, and to put to due execution the orders which others had given him.—Lieutenant-colonel Hamilton's part came next to be considered, and he being required to be present, and called, and not appearing, we ordered him to be denounced, and seized on wherever he could be found. And having considered the orders that he received, and orders he said before the commission he gave, and his share in the execution, we agreed, that from what appeared he was not clear of the murder of the Glencoe men, and that there was ground to prosecute him for it.—Major Duncanson, who received orders from Hamilton, being in Flanders, as well as those to whom he gave orders, we could not see these orders, and therefore we only resolved about him that we should address your majesty either to cause him to be examined there in Flanders, about the orders he received and his knowledge of that affair, or to order him home to be prosecuted therefor as your majesty shall think fit.—In the last place, the expositions of the witnesses being clear as to the shares which captain Campbell of Glenlyon, captain Drummond, lieutenant Lindsay, ensign Lundie, and sergeant Barber, had in the execution of the Glencoe men, upon whom they were quartered, we agreed that it appeared that the said persons were the actors of the slaughter of the Glencoe men, under trust, and that we should address your majesty to send them home, to be prosecuted for the same according to law. This being the state of the whole matter as it lies before us, and which, together with the report transmitted to your majesty by the commission, and which we saw verified, gives full light to it, we humbly beg, that considering the master of Stair's excess in his letters against the Glencoe men has been the original cause of this unhappy business,

and hath given an occasion in a great measure to so extraordinary an execution by the warm directions he gives about doing it by way of surprise, and considering the high station and trust he is in, and that he is absent, we do therefore beg that your majesty will give such orders about him for vindication of your government, as you in your royal wisdom shall think fit. And likewise considering that the actors have barbarously killed men under trust, we humbly desire your majesty would be pleased to send the said actors home, and to give orders to your advocate to prosecute them according to law, there remaining nothing else to be done for the full vindication of your government of so foul and scandalous an aspersion as it has lien under upon this occasion. We shall only add, that the remains of the Glencoe men who escaped the slaughter being reduced to great poverty by the depredation and vastation that was then committed upon them, and having ever since lived peaceably under your majesty's protection, have applied to us that we might intercede with your majesty that some reparation might be made them for their losses, we do humbly lay their case before your majesty, as worthy of your royal charity and compassion, that such orders may be given for supplying them in their necessities, as your majesty shall think fit."

The king complied with the requisitions conveyed to him in this address, and the master of Stair was dismissed from his office, but none of the actors in the massacre appear to have been eventually punished. In the course of the inquiry circumstances transpired which not only implicated the earl of Breadalbane in the procuring of the sanguinary orders against Glencoe, but brought to light so much of his intrigues in favour of king James in his negotiations with the highlanders as were considered sufficient to found a charge of high treason, and he was committed a prisoner to Edinburgh castle. Breadalbane declared that he had dissembled with the highlanders by king William's permission, and he was sheltered against any serious prosecution by a pardon. Various other subjects of importance, some of which, arising out of William's continental wars, were new to Scotland, occupied the attention of this parliament. One of the first of these was the protection of the Scottish trade against the depredations of French privateers, and it was determined to equip a certain

number of men-of-war for that purpose. It was necessary also to provide a new method of raising soldiers, for neither the old feudal military service, nor the militia, were calculated to supply the constant, although not considerable, drain of soldiers required by the king's campaigns in Flanders; and this new system of raising a standing army soon became a fertile subject of discontent and complaint. A further attempt was made to compose the troubles of the church by an act allowing those of the episcopal clergy who should enter into such engagements with the king as were required by law, to retain their benefices under his protection, but not to be received into church courts unless they subscribed to the presbyterian formula; the natural effect of which would have been the gradual extinction of the episcopal curates, without subjecting them to any hardships, but, from the state of party feeling, it only led to discontent on both sides. The other great subject of parliamentary legislation was the encouragement of trade. The revolution, which had relieved the Scottish people from such a load of discouraging oppression, had been followed by an extraordinary spirit of commercial adventure, which received new encouragement from the promise of the king made through his commissioner to this parliament. A considerable number of joint-stock companies for different manufactures received the sanction of the estates. Among these the linen manufacture was especially encouraged by extraordinary privileges and protections. But the two most important acts of the session, with regard to the commercial prospects of the kingdom, were that for establishing the bank of Scotland, and that which authorised and founded a company for trading to Africa and the Indies. Both these speculations, as well as the bank of England, originated in one man, William Paterson.

William Paterson appears to have been a native of Dumfries-shire. The earlier part of his history is involved in much doubt, for while some writers say that he went out to the West Indies as a missionary of the gospel, others tell us that in his youth he was one of the bucaners, and that it was in this character that he gained his knowledge of the American coasts and islands. It is certain that he had visited Jamaica, where the remains of the old bucaners had settled down, and it is not improbable that it was from them he derived much of his local knowledge. On his return to

Europe, he formed an extensive scheme for a new trading company, the peculiar object of which was to centralise the trade of the world, and it was taken up in some quarters with great avidity, but his attention was diverted from it by the foundation of the bank of England. Meanwhile, the report of this project had produced a considerable effect in Scotland, where Paterson's designs were canvassed with a good deal of earnestness; and when, in the parliament of 1693, the Scots had obtained an act for establishing trading companies, it was to their countryman Paterson that they applied for information and advice. From this moment, entering warmly into the views of the Scottish merchants, he turned his attention entirely to Scotland as the centre of commercial enterprise, and he pointed out to his countrymen the isthmus of Darien as the best position for commanding the trade not only of America and Africa, but of Asia. "The time and expense of navigation to China, Japan, the Spice islands, and the far greater part of the East Indies," he said, "will be lessened more than half, and the consumption of European commodities more than doubled; trade will increase, and money will increase money; and the trading world shall no more need to want work for their hands, but will rather want hands for their work. Thus the door of the seas, and the key of the universe, with anything of a reasonable management, will of course enable its proprietors to give laws to both oceans, and to become arbitrators to the commercial world, without being liable to the fatigues, expenses, and dangers, or contracting the guilt and blood of Alexander and Cæsar. In all our empires that have been anything universal, the conquerors have been obliged to seek out and court their conquests from afar; but the universal force and influence of this attractive magnet is such as can much more effectually bring empire home to the proprietors' doors." Paterson's views evidently extended to a free, and not to an exclusive, trade. "The nature of these discoveries," he proceeded to state, "are such as not to be engrossed by any one nation or people, with exclusion to others, nor can it be thus attempted without evident hazard and ruin, as we see in the case of Spain and Portugal; who, by their prohibiting any other people to trade, or so much as to go or dwell in the Indies, had not only lost that trade they were not able to maintain, but have de-

populated and ruined those countries therewith; so that the Indies have rather conquered Spain and Portugal, than they have conquered the Indies. People and their industry are the true riches of a prince or nation, and in respect to them all other things are but imaginary. This was well understood by the people of Rome, who, contrary to the maxims of Sparta and Spain, by general naturalisations, liberty of conscience, and immunity of government, far more effectually and advantageously, conquered and kept the world, than ever they did or possibly could have done by the sword." Such remarks as these show not only that Paterson was a man of education, but that he possessed more enlarged views than the generality of his contemporaries, and we must not be surprised if in many points he was misunderstood and ill-appreciated. Some parts of his plan, such as that of connecting the Atlantic and Pacific oceans by a route across the isthmus, were considered by many as visionary. The whole plan, however, dazzled the country, and was received everywhere with favour. The act was drawn up under Paterson's especial directions, and the company was incorporated under the title of "the company of Scotland trading to Africa and the Indies." At least one-half of the whole number of proprietors were to be Scotchmen; and the lowest share was to amount to not less than one hundred pounds sterling, while the highest was not to exceed three thousand. The property of the company was declared not to be liable to forfeiture or restraint, in consequence of a declaration of war with foreign states or princes, or for any other cause. The proprietors had the power to frame and establish, by a plurality of votes, their own constitutions, civil and military, to which all persons belonging to the company were to be subject, and to be obliged to take the oaths required by the company. They were also empowered to fit out or freight their own or foreign vessels, notwithstanding the navigation laws, during the space of ten years; to plant colonies, and build towns and forts, in places not inhabited, or in any other places by consent of the natives or inhabitants; to defend themselves, and to take reparation of damage done them by sea or land, and to conclude treaties of peace and commerce with the sovereigns or proprietors of any lands or places in Asia, Africa, or America, or with any potentate at peace with the king; and if, contrary to

the rights and exemptions of the company, any of their vessels were stopped or detained by those powers, the king promised to interpose his authority to have restitution, reparation, and satisfaction for the damage done, at the public expense. The vessels of the company were to sail from their settlements direct to Scotland, and not to break bulk elsewhere, unless in case of necessity, and in return none of the lieges were to trade to the company's possessions, without their license, for the space of thirty years. All vessels, merchandise, and other effects of the company, were to be free from duties of every description for twenty years, with the exception only of sugar and tobacco not the growth of their own plantations. All the members, officers, and servants of the company were to be free during the same period from imprisonment or personal service, and from taxation or excise. All foreign proprietors were to be regarded as denizens of Scotland, and to be entitled to the privileges of native members. Of the individuals appointed by the act to receive subscriptions, ten resided in London. The capital of the company was to be six hundred thousand pounds sterling.

The act establishing this company passed on the 25th of June, 1695. Somewhat more than three months after, in the October following, lord Belhaven, Mr. Robert Blackwood, and Mr. James Balfour proceeded as a deputation to London, where the subscription books were first opened, and the whole number of shares to be disposed of there, amounting to three hundred thousand pounds, were subscribed for in nine days, and one-fourth of the money paid up in cash. In the February, 1696, the books were opened in Edinburgh and Glasgow, and the Scottish share of the subscriptions were all subscribed for between that and the month of August. Meanwhile, a great jealousy of the Scottish company had arisen in England, which was kept up by the representations of the English India company. The subject was first started in the English house of lords, who requested a conference with the commons, and a committee was appointed to inquire what methods had been employed for obtaining such an act, and who were the subscribers and promoters of the company. The result was that the two houses presented a joint address to the king, in which they represented to him that, by reason of the superior advantages granted to the Scottish East India company, and the

duties imposed upon the Indian trade in England, a great part of the stock and shipping of their nation would be carried thither, by which means Scotland would be rendered a free port, from which Europe would be thenceforward supplied with the products of the east much cheaper than through England, to which a great article in the balance of foreign commerce would thus be lost, to the prejudice of the national navigation and of the revenue of the crown. When the Scots, they said, should have settled themselves in plantations in America, the western branch of traffic also would be lost; the privilege granted to their company would render Scotland the general storehouse for tobacco, sugar, cotton, hides, and timber; the low rates at which they would be enabled to carry on their manufactures would render it impossible for the English to compete with them; while, in addition, the king stood engaged to protect with the naval force of England a company whose success was incompatible with its existence. These representations appear to have had their effect upon the king, who received the address graciously, and replied, "That he had been ill-served in Scotland, but he hoped some remedy might be found to prevent the inconvenience which might arise from the act." In his displeasure, William dismissed his two secretaries of state for Scotland, and most of the more important members of the Scottish administration. The English parliament did not stop here, but, continuing the investigation, they proceeded to vote that lord Belhaven, William Paterson, and the agents of the Scottish company resident in London, were guilty of a high crime and misdemeanor in administering in England the oath of fidelity to a foreign association. The Scots, who imagined that the company would be equally beneficial to both countries, and never dreamt of meeting with opposition from the English government, were extremely irritated when they learnt that it had been disowned by the king and condemned by the English parliament; and their discontent was increased by the intrigues of the jacobites, who lost no opportunity of representing that it was the policy of William's government to make Scotland and its interests entirely subservient to those of England.

The Scottish adventurers, however, were not discouraged. In the month of September Paterson went to Holland and Ham-
burgh, and obtained there very considerable

subscriptions, and the shares left by the withdrawal of many of the English subscribers were soon taken up in Scotland. The Dutch East India company, however, took up the alarm also, and measures were taken to prevent further success in that country, and king William permitted his resident at Hamburg to present a memorial against the Scottish company to the senate of that city. This last proceeding gave greater offence than all the others; and in the Scottish parliament held in the July of 1698, the discontent broke out in a manner which proved very embarrassing to the government. Still the direct opposition to it shown by the king during the year 1697 appears to have been very limited, and he seems to have objected chiefly to the settlement in the isthmus of Darien, which was calculated to give great umbrage to Spain, a state with which he was then negotiating, and which put forward a then rather doubtful claim to the territory. The debates in the parliament on this subject were long and warm, and peculiarly embarrassing to the government, because some of their best friends and supporters, as well as a great proportion of the most respectable and influential men in Scotland, were personally interested in the project. "Nothing," wrote the earl of Seafield, then one of the secretaries of state for Scotland, to Carstairs, "nothing does straighten us in all this matter, but that the most honest and well-inclined to the king's government are both concerned in the company, and do not desire to oppose anything that is proposed for it; and the whole ministers of the realm are praying for the success of that company, and many people have their friends and relations that have gone volunteers in the ships. God knows what a trouble this matter is to me, and what anxiety is upon my spirit to get fairly out of it, which I am hopeful I shall. We do treat and caress the members, and have our friends at work doing all we can with them." A remonstrance from the company, signed by lord Basil Hamilton, was presented to the parliament, and was supported by the marquis of Tweeddale, the earl of Tullibardine, and others, who represented that since such large sums had been advanced to support the company, and their vessels had now sailed with a numerous colony and a valuable cargo, it was the duty of parliament to interfere to assert their privileges and protect them from their enemies. The earl of Seafield attempted to put off the question, on the ground that it was not then

necessary to press it, and that it was inopportune, and assured them that the king had given orders to his resident to cease opposing the company at Hamburg. A letter from William to this effect was also produced. This, however, was not considered satisfactory, and it was moved that an address should be presented to the king for an assurance under his hand of his protection of the company in all its privileges, and that a new act should be passed to ratify them. After a long debate, the matter was referred to a committee, which ended by proposing the following modified address to the king, which after further debate was adopted by the estates:—"We, your majesty's most loyal and faithful subjects, the noblemen, barons, and burgesses, convened in parliament, do hereby represent to your majesty, that having considered a representation made to us by the council general of the company trading to Africa and the Indies, making mention of several obstructions they have met with in the prosecution of their trade, particularly by a memorial presented to the senate of Hamburg by your majesty's resident in that city, tending to lessen the credit of the rights and privileges granted to the said company by an act of this present parliament; we do therefore, in all humble duty, lay before your majesty the whole nation's concern in this matter, and we do most earnestly entreat, and assuredly expect, that your majesty will, in your royal wisdom, take such measures as will effectually indicate the undoubted rights and privileges of the said company, and support the credit and interest thereof, and, as we are in duty bound to return your majesty our most hearty thanks for the gracious assurances your majesty has been pleased to give us of all due encouragement for promoting the trade of this kingdom, so we are hereby encouraged at present humbly to recommend to more especial marks of your royal favour the concerns of the said company, as that branch of our trade in which we, and the nation we represent, have a more peculiar interest."

At this time the company had made the first grand step in its undertaking. Confident in their means of disproving the title of Spain to the territory in question, which seems indeed to have been in the undisturbed possession of the natives, they had continued their preparations for the settlement at Darien, and during the first week of this very session of the parliament (which

began on the 19th of July, 1698), the first division of the expedition sailed from Leith roads. This fleet consisted of three ships of the company, the *Caledonia*, *St. Andrew*, and *Unicorn*, with two tenders, the *Dolphin* and *Endeavour*, laden with provisions, military stores, and merchandise. On board this fleet there were twelve hundred men, three hundred of whom were gentlemen. They arrived in the gulf of Darien towards the end of October, and landed at Acta, a fine harbour between Porto Bello and Carthagena, on the 3rd of November. Having obtained the consent of all the natives in the neighbourhood of this unappropriated territory, they took possession of it and named it New Caledonia, and laid the foundations of a city which they called New Edinburgh, with a castle called Fort St. Andrew. On the 28th of December, their council of government issued the following proclamation, intended as a declaration of the principles on which the colony was founded in regard to its intercourse with other nations:—"We do hereby publish and declare, that all manner of persons, of what nation or people soever, are, and shall from thenceforward be, equally free and alike capable of all properties, privileges, protections, immunities, and rights of government granted unto us; and the merchants and merchants' ships of all nations may freely come to and trade with us, without being liable in their persons, goods, or effects, to any manner of capture, confiscation, seizure, forfeiture, attachment, arrest, restraint, or prohibition, for or by reason of any embargo, breach of the peace, letters of marque or reprisals, declaration of war with any foreign prince, potentate, or state, or upon any other account or pretence whatsoever. And we do hereby not only grant, concede, and declare a general and equal freedom of government and trade to all those natives who shall hereafter be of or concerned with us, but also a full and free liberty of conscience in matters of religion, so as the same be not understood to allow, connive at, or indulge the blaspheming of God's holy name or any of his divine attributes, or of the unhallowing or profaning the sabbath day. And, finally, as the best and surest means to render any government successful, durable, and happy, it shall, by the help of Almighty God, be ever our constant and chiefest care that all our further constitutions, laws, and ordinances, be consonant and agreeable to the holy scriptures,

right reason, and the examples of the wisest and justest nations, that from the righteousness thereof we may reasonably hope for and expect the blessings of prosperity and increase."

Serious errors had been committed in the first setting out of this expedition, which contributed more than anything towards its defeat. Among the colonists there were a great many honest and able men, and there was no want of skilful and industrious labourers, but unfortunately with these were mixed a multitude of discontented and seditious highlanders, of disbanded soldiers who were idle and loose in morals, and of young men of good families whose pride and presumption helped to increase the confusion. Instead of appointing one energetic chief to control these evil elements and imprint an united and firm direction to the whole, the company gave the government of the infant colony to a council of seven, and although he accompanied the expedition, Paterson was not included in the governing council. Among the instructions given to these seven, one article was—"That after their landing and settlement, they shall class and divide the whole freemen inhabitants of the said colony into districts, each district to contain at least fifty and not exceeding sixty freemen inhabitants, who shall elect yearly any one freeman inhabitant whom they shall think fit to represent them in a parliament or council-general of the said colony, which parliament shall be called or adjourned by the said council as they see cause, and, being so constituted, may, with consent of the said council, make and enact such rules, ordinances, and constitutions, and impose such taxes, as they shall think fit and needful for the good establishment, improvement, and support of the said colony." The method of electing this parliament was, it will be seen, the purest model of universal suffrage. The council, however, seem to have been perfectly confident of its working well, and, as soon as they had settled the colony, early in the year 1699 they proceeded to act upon this article of their instructions, and the first parliament of the colony of New Caledonia met and passed a code of laws for its government.

This code deserves to be given here entire, as a very important record of the history of a colony of Scotchmen formed under such circumstances; it was word for word as follows:—

"The council and deputies assembled in parliament, pursuant to the trust reposed, and the powers and immunities granted, by his majesty of Great Britain, our sovereign lord, communicated and transmitted unto them by the Indian and African company of Scotland, have, for the good order and government of this colony, after mature deliberation, agreed and concluded upon the following rules and ordinances, as appearing most reasonable, equal, and suitable, to be from this time forward binding and obliging; and for that effect, that an ordinary judicature, or court of justice, be appointed, to consist of such and such number of persons as the council shall think convenient; the which shall have power to choose their president, and to name and appoint clerks, servants, and all other officers needful, and to proceed upon, judge, and determine all causes, crimes, and punishments, by and according to the following rules and ordinances, which we do hereby appoint and ordain to have the full force and effect of laws, within this colony and its dependencies, by land and sea.

"1. In the first place, it is hereby provided and declared, that the precepts, instructions, examples, commands, and prohibitions, expressed and contained in the holy scriptures, as of right they ought, shall not only be binding and obliging, and have the full force and effect of laws, within this colony, but are, were, and of right ought to be, the standard, rule, and measure to all the further and other constitutions, rules, and ordinances thereof.

"2. He who shall blaspheme or prophane the name of Almighty God or any of his divine attributes, or use any curse or imprecation, after public acknowledgment, shall suffer three days' imprisonment, and confinement to bread, water, and hard labour, for the first offence, and for the second shall suffer the said punishment, and for every other offence shall be punished at the discretion of the justiciary court.

"3. Whosoever shall behave himself disrespectfully towards the council or any of the councillors, or towards his own or any other officer of this colony, or shall speak words tending to their or any of their hurt or dishonour, or shall know of such behaviour or words spoken and shall not reveal the same with all convenient speed, shall be punished according to the nature of their offence, and quality and circumstances thereof, in the judgment of the justiciary court.

"4. No man shall, upon pain of death, hold correspondence, give advice, or keep intelligence, with any rebel or enemy, as also he who shall know of any such intelligence, and shall not, with all convenient speed, discover the same, and the party or parties therein concerned, to the council, or to some one of the councillors, or to his superior officer, shall likewise be liable to the same punishment.

"5. He who shall entice or persuade another, or others, to any rebellious act against the council and government of this colony, shall incur the pain of death; and whosoever shall know of such offence, and shall not discover the name to the council, or to some one of the councillors, or to his superior officer, shall incur the same punishment.

"6. No man shall presume to contrive, endeavour, or cause any mutiny or sedition within this colony, upon pain of death, or such other punishment as the justiciary court shall think fit.

"7. Whosoever shall disobey his superior officer, or resist him in the execution of his office, or shall oppose or resist any of the magistrates or officers of this colony, in the execution of their duty and trust, shall suffer the pains of death, or such other punishment as the justiciary court shall think fit.

"8. He who shall violate any protection or safe conduct granted by the council, and knowing the same, shall suffer death, or such other punishment as the justiciary court shall think just.

"9. He who shall use any provoking or upbraiding words or gestures, or shall give the lie, or any manner of reproachful, scandalous, or injurious names, to another of equal quality and degree with himself, whether present or absent, or shall strike or shall threaten to strike such a one with his hand, stick, sword in the scabbard, whip, stone, or anything of like nature, shall, besides giving honourable satisfaction to the party injured upon his knees, be therefor condemned to hard labour at the public works for the space of six months; from which labour he shall not desist, withdraw, nor desert, upon pain of death, or such other punishment as the justiciary court shall think meet; and if such affronts or injuries shall be given or offered to a superior, the party offending shall be liable to double the said punishment at least; and if to an inferior, the same shall be propor-

tioned suitable to the nature of the case, and the circumstances of the parties concerned.

"10. No man shall presume to fight a duel with or send a challenge to another; nor shall any one presume to accept of such challenge or appointment to fight, upon pain of the severest death and highest infamy; and all seconds in duels and appointments to fight, and such as shall know thereof, and shall not reveal the same, and the persons concerned, with all convenient speed, shall be equally liable to the same punishment.

"11. He who shall wilfully hurt or maim any other, shall, suitable to the loss and value of his time, and the grief and pain thereby occasioned, as also the expense of curing, and disability of body thereby happening, be liable to make full satisfaction; and if the offender have not to pay, he shall become a servant, and shall so continue, until full reparation be made to the party injured; and, generally, the like full reparation shall not only be made for all manner of hurts, violences, wrongs, and damages done, or caused or offered to be done, but the offender may be further punished, if the nature of the case shall require the same.

"12. It shall be death for any man presumptuously and wilfully to assault any other by such means and weapons as shall put him in evident hazard or danger of his life.

"13. All murder or wilful killing of any person shall be punished with death.

"14. He who shall force a woman to abuse her, whether she belong to an enemy or not, shall suffer death for it.

"15. It shall be death to steal, or forcibly to carry or convey away from this colony or its dependencies, any man, woman, or child.

"16. Housebreaking, and all sorts of robbing, or forcible thefts, shall be punished with loss of life or of liberty, at the will of the judiciary court.

"17. A thief shall be obliged to restore fourfold of the species or value of the thing stolen and damage done, the one-half to the party injured, and the other to be equally divided between the government of this colony and the discoverer of the theft. And if the thief have not to pay, he shall be condemned to hard service and labour at the public or other works, until full restitution of the value of the thing stolen and damage done be made, and shall be afterwards

obliged to serve the government of this colony and the discoverer of the theft for the space of a whole year.

"18. All robbing of Indian plantations or houses, stealing or taking of provisions or other things belonging to them, without their free consent, shall be punished as theft.

"19. Cutting or breaking down or otherways spoiling of plantain walks, orange, lemon, or lime trees, or other trees or fruits of use and for support of life, and all other wilful waste and spoil, shall be punished as theft.

"20. Whosoever shall presume to sell, embezzle, or wilfully spoil, break, or convey away any arms, ammunition, axes, hatchets, spades, shovels, pickaxes, or other necessities or stores of war, or working tools, belonging to the colony, whether committed to their trust or otherwise, shall be punished as thieves.

"21. All wilful and apparent breach of trust, and designed fraud and cheating, shall be punished as theft.

"22. All giving and taking of bribes, in order to delay, deny, or pervert justice, shall be punished as theft.

"23. Things that are found may not be concealed, but shall be restored to the owner, if known, with all convenient speed; and when the owner is not known, public intimation thereof shall be given, otherwise the finder shall become liable to suffer as a thief.

"24. Benefits received, and good services done, shall always be generously and thankfully compensated, whether a prior agreement or bargain hath been made or not; and if it shall happen to be otherwise, and the benefactor be obliged justly to complain of the ingratitude, the ungrateful shall in such case be obliged to give threefold satisfaction at least.

"25. Whosoever shall absent himself, go away from, or desert the service of this colony, or that of any particular person to whom they are bound, besides due chastisement of whipping, shall be obliged to serve a week for every day of such their absence or desertion.

"26. No man shall be confined or detained prisoner for above the space of three months, without being brought to a lawful trial.

"27. All lands, goods, debts, and other effects whatsoever and wheresoever (except the needful and proper working tools of a

mechanic, the proper books of a student or man of reading, and the proper and absolutely necessary wearing clothes of any person), shall, in the most ready, easy, and absolute manner, be subjected to the just and equal satisfaction of debts; but the person of a free man shall not in any sort be liable to arrests, imprisonment, or any other restraints whatsoever, for or by reason of debt, unless there shall be fraud, or the design thereof, or wilful or apparent breach of trust, misapplication or concealment, first proved upon him.

"28. In all cases, criminal and capital, no judgment or determination shall pass against any man in the justiciary court, without the consent and concurrence of a jury, consisting of fifteen fit persons, to be nominate and chosen by the said court in the ordinary and usual manner, out of such a number as they shall think fit.

"29. Upon trials of persons or causes, the justiciary court shall proceed to examine the witnesses upon oath, and after having heard the prisoner, the party accused or the party concerned, whether for or against the witnesses. The judges shall afterwards give their opinions one by one, beginning at the youngest in years, and proceeding to the eldest, and shall conclude by majority of votes; but if the votes be equal, the president shall have a casting voice; and when judgment or sentence is to be given, the president shall pronounce it.

"30. No man shall presume to sit in court, much less to act as a judge, or be of the jury in the case, and during the time that any cause wherein his party, or any way interested or concerned, shall be under examination or trial.

"31. The justiciary court shall keep a clerk or clerks, who shall be sworn to make true and faithful records of all the proceedings of that court.

"32. No man shall presume to use any braving words, signs, or gestures, in any place of council or judicature, whilst the council or court is sitting, upon pain of such punishment as shall be inflicted by the court.

"33. All things relating to trade and navigation, and not comprehended in or understood by these ordinances, shall be determined by the most known and practised laws and customs of merchants and of the sea.

"34. *And lastly*, every judge or member of the justiciary court, and every one of

the jury shall take a solemn oath, duly to administer justice according to these rules, ordinances, and probation taken, to the best of their understanding.

"Fort St. Andrew, April 24, 1699.

"All the said rules and ordinances were read and approved of, article by article, and afterwards passed all together.

"COLIN CAMPBELL, J.P.P."

At the time of the meeting of this parliament, disorder had already shown itself in the colony, and it was increased rather than otherwise by the self-legislative powers which were given to the colonists. One of the members of the council of government, writing home to the secretary of the company, told him—"We found the inconvenience of calling a parliament, and of telling the inhabitants that they were freemen, so soon; they had *not* the true notion of liberty; the thoughts of it made them insolent and ruined command." Various causes, however, had combined to produce insubordination among the colonists, who were suffering from the enmity of the English companies, and the king had publicly disowned them, and sent private instructions to the governors of the various plantations in America and the West Indies, in consequence of which the latter issued proclamations denouncing the settlement at Darien as unauthorised by the English government, and forbidding any of the dependencies of the English crown from holding any intercourse with them, and even furnishing them with provisions. This was the more cruel, as in consequence of the frauds of those who managed the buying and shipping of their stores, the provisions of the new colonists were few and unwholesome. Another error had been committed in sending out no women with the colonists, which could not fail to be a cause of much disorder. Two ministers, Mr. James and Mr. Scott, accompanied the expedition, but one died during the voyage and the other soon after his arrival, so that the colony was without religious instructors. The gentlemen of the expedition were unaccustomed to labour, and the industrious portion of the colonists were not used to working under a tropical sun, and they proceeded so slowly that when the rainy season set in the ground was uncleared and scarcely a sufficient number of huts had been erected to afford them shelter. This state of things naturally produced disease and distress. The Indians were invariably friendly to them, but they

had to encounter the jealousy and utmost hostility of the Spaniards, who marched to attack them from Panama, but they were met and defeated on the 5th of February by a party of the settlers under the command of captain James Montgomery. Symptoms of mutiny soon made their appearance in the colony, and a conspiracy was discovered, in which some of the members of the council were implicated, the object of which was to seize a vessel and desert. The original council was now broken up, and a new one chosen, on which Paterson was elected, but it was too late to remedy all the evils which had arisen, though a temporary check was put upon the discontents. The colony continued long without intelligence from home, for a brig sent from Scotland on the 24th of February, with provisions and despatches from the directors, was lost on the way. Not knowing the reason that delayed their intelligence from home, the colonists sent a ship with a messenger to the directors, requesting an immediate dispatch of provisions, ammunition, and men, with an address to the king, complaining of their treatment from the English colonies and imploring his interposition. Some time after this, another of their vessels, the *Dolphin*, on its way to Barbadoes, was stranded on the coast of Carthagea, where it was seized by the Spaniards, who condemned the cargo and sent the crew to Spain to be tried as pirates. The settlers were so completely discouraged by this blow, that they resolved to give up the struggle, and, in spite of the earnest entreaties of Paterson, they embarked on the 23rd of June, and left the settlement.

Long before this, two vessels had been dispatched from Leith, with provisions and military stores, and three hundred recruits, but on their arrival they found the settlement newly abandoned, and as the best course which presented itself to them, they proceeded to Jamaica. The company remained ignorant of these proceedings, and had prepared a new expedition, of thirteen hundred men, who were embarked in four ships of the company, the *Rising Sun*, the *Hope*, the *Duke of Hamilton*, and the *Hope of Borrowstounness*, which were ready to start in November; but as they were on the point of sailing, intelligence arrived in Scotland of the abandonment of the colony. A despatch was immediately sent to them, directing them to remain at the Isle of Bute, where they lay at anchor, until the arrival of Mackay, one of the council of the aban-

doned colony, who would set out the same day and bring them further instructions which would be rendered the more valuable from his experience and knowledge of the locality. But the four individuals who composed the council of the expedition, major Lindsay, captain Gibson, William Veitch, and James Byres, on the ground that the order was informal in being signed only by three of the directors, set sail without waiting for Mackay, or troubling themselves to ascertain the object of his message. The council of four had full powers to act during the voyage as circumstances might require, but on their arrival at Darien their commission ceased, and they were to surrender their powers to the council of the colony. When they reached New Caledonia, however, they were surprised to find the place abandoned, and no remains of the capital except the ruins of the fortifications, which had been razed. As the huts had been burnt, there was not even protection from the elements, and in their great disappointment the new comers became mutinous and proposed to retire immediately to England. By the earnest expostulations of Veitch, the council were induced at last to give orders for landing the men, but from the first every wise and prudent plan was thwarted by the obstinate and vexatious opposition of Byres, who appears to have been a wrong-headed and opiniative fellow.

While this last expedition was on its way, intelligence of it had reached New York, where some of the first colonists had taken refuge; and among them was a captain Thomas Drummond, one of the council of the colony, a man of great courage and of an enterprising disposition, who immediately procured a small sloop, freighted it with working tools and provisions of different kinds, and went to meet the new comers in the bay, where he arrived eight days before them. Veitch at once proposed that they should make Drummond a member of the council of government, and he appears to have been elected, though he was afterwards excluded through the intrigues of Byres, who was from the first jealous of Drummond's talents, and opposed all his suggestions, whether good or bad. The position of the new colony was more critical than that of its predecessor, and it suffered from the same causes, for the same frauds had been committed in the shipping of the provisions, and while, without great energy and foresight want would soon be felt, the

Spaniards were preparing to renew their attack on the settlement on a more formidable scale. Under these discouragements a spirit of mutiny showed itself among the colonists. Drummond proposed to anticipate the attack of the Spaniards, and attempt Porto Bello, where, besides giving a blow to the enemy which would teach him to respect their forces, they would obtain all the provisions they wanted; but this was opposed by Byres, and overruled, and the animosity was carried to such a degree, that Drummond was placed under arrest. Drummond then offered to go to New York, and procure provisions upon a letter of credit; but this proposal also was rejected with derision, and they attempted, not very successfully, to obtain a scanty supply by smuggling provisions in boats from the West India islands. As this was by no means sufficient, it was resolved to send away all but five hundred men to Jamaica. Drummond expostulated earnestly against this proposal, which was a virtual abandonment of the colony, and he proposed that a hundred and fifty men should be entrusted to him, with whom he offered to effect a lodgment in the interior, which would be an assistance and a protection to the colony, as they could there maintain themselves, and could divide the attention of the Spaniards at the same time that they co-operated with their comrades. But this proposal met with the same fate as the others; and so little spirit was there in the ruling faction, that they were not able even to carry out their own plan of sending a part of the settlers to Jamaica.

With this last expedition, the company had sent out Mr. Alexander Shields and three other presbyterian ministers, with instructions to form themselves into a presbytery, to ordain elders and deacons, and to divide the colony into parishes; and they were further recommended to labour as they saw an opportunity for the instruction and conversion of the natives. The condition of the colony, however, rendered these instructions almost useless; the ministers preached both on land and on board ship, but the irreligion and licentiousness which prevailed among the settlers disgusted and discouraged them; and they ended by attempting the secondary part of their instructions, which enjoined the conversion of the natives. Towards the beginning of February, 1700, the ministers undertook a journey into the interior, in company with lieutenant Turnbull, who possessed some

slight knowledge of the Indian language, and they spent some nights with the natives in their cabins. It was here that they received intelligence of the approach of the Spaniards, and they hurried back to communicate it to the colonists. Byres immediately hurried off to Jamaica, to try if he could not obtain some assistance, and during his absence the colonists began to show courage and activity. This was partly owing to the arrival in the colony of captain Campbell of Fanal, who had served along with Drummond in Argyle's regiment, and who, joining with him and Veitch, gave them a superiority in the colony's councils. Campbell at the head of two hundred men marched out to meet the Spaniards, who advanced through the woods from Panama and Santa Anna, and the colonists, having met them on the way, encountered and defeated them. But valuable time had now been lost in which the security of the colony might have been established, for, in spite of all obstacles, it was gradually rising out of its ruins, and this victory came too late. A fleet of eleven Spanish ships, under the command of the governor of Carthagena, approached the colony by sea, at the same time that the Spanish troops advanced by land, and these blockaded the harbour and landed troops to invest the fort. On the 18th of March, 1700, the Scottish colonists, convinced that further resistance was useless, capitulated and obtained honourable terms. They were allowed to embark with their goods for Jamaica, but unfortunately many of them perished by the shipwrecks of the *Hope* and the *Rising Sun*, and most of the others were scattered through the English settlements. Of about three thousand men who embarked from Scotland in this ill-fated attempt to colonise, a very small number ever returned to their native land. The original and great difficulty with which the project had to contend, was the opposition of king William, arising out of temporary political motives; yet there is every reason to believe that, in spite of the king, the colony would have succeeded, if the company had begun by appointing Paterson its governor, instead of electing an inefficient council of seven.

There was still far too much intrinsic merit in the Darien design to permit its abandonment without a further struggle; and when king William discovered at last, that the king of France had deceived him, and the crown of Spain fell to a Bourbon, the advo-

cates of the Scottish company were encouraged to hope for its revival under the king's patronage, as a means of contributing to the general defence against that danger. Paterson, only a few months before the king's decease, presented a memorial, which is said to have made a deep impression upon him, proposing the formation of great settlements in Darien, from Port Escoces to the Pacific, and the seizure of a powerful port of trade in Cuba; and at the same time, in Scotland, he urged the Darien company to persevere in a prudent maintenance of their adventure, and devised a plan of colonial government and trade, analogous to that which had produced the best results in England, under the advice of lord Clarendon, of Locke, and lord Somers. The duke of Queensberry, whom he had warmly supported in favour of the union, wrote of his proceedings at this period to Carstairs:—"The African company have appointed seven of their number to confer with Mr. Paterson; but he is against moving anything this session, and tells me he thinks he has gained some considerable men to his opinions. He acts with great diligence and affection to the king and the country. He has no bye-ends." At the same time Mr. John Stuart wrote thus to Carstairs:—"The hearts of all good countrymen are bent upon an union with England. . . They have projectors now at work making plans of trade. The design is a national trade, so that *all Scotland will become one entire company of merchants*. It proposes to raise above three hundred thousand pounds in two years: with this stock they are—1. To trade to both the Indies, and settle colonies in the terms of the act establishing their company. 2. To raise manufactories throughout all the kingdom. 3. To pursue their fishing to greater profit in the markets of Europe than any other fishing company in christendom can do. 4. To employ all the poor of the nation; so that in two years not a beggar

shall be seen in all the kingdom, and that without an act of slavery. 5. To pay back to any of the subscribers of the African stock his money if demanded, so that nobody can complain of loss that way." This account was written by Mr. Stuart to Carstairs, on the 3rd of September, 1700: the next letter on the 14th of September, adds,—“Mr. Paterson is very tenacious and stiff as to his project; and, indeed, he has a good genius. Some of his notions are very metaphysical, though I am not fool enough to be persuaded that they are not true, but practicable. As to his council of trade, I know not how it is to be for the king to constitute such an office. It is true twelve angels might be well enough trusted with powers and privileges absolutely necessary, but they are too much for men; for while they act in concert with an African company, and it is impossible they can have different interests, they are too powerful even for the king; they are in a manner a committee of parliament constantly sitting; they have all the power, thought, and treasure of the kingdom in their hands. In short, nothing but time and experience can tell us what the consequences of such a constitution may be. So that I have no manner of hope that this project will take. But I think still that it is fit to encourage the projector, who indeed has a prodigious genius, and a vast extended thought; *valeat quantum valere potest*. It is possible the wisdom of parliament may call out some things to be of use to the country; and a means to accommodate matters betwixt the king and his people.” William's unexpected death, at the beginning of the next year, appears to have given the last blow to an undertaking which made a great noise at the time, and of which it has been thought best to give here a connected narrative, rather than taking its incidents as they lie scattered through several chapters of Scottish history.

CHAPTER XI.

AFFAIRS OF SCOTLAND DURING THE REMAINDER OF THE REIGN OF KING WILLIAM; QUEEN ANNE; TREATY FOR A UNION BETWEEN ENGLAND AND SCOTLAND.

THE year 1696 was ushered in by a new plot against the government of the revolution, one object of which was the assassination of king William, which was to be

followed by a formidable invasion from France. The timely discovery of this conspiracy frustrated the designs of France, and gave rise to an outburst of loyalty to king William in Scotland as well as in England, which caused various grievances to be passed over without any new complaints. In both countries associations were entered into for the defence of the king's person. In Scotland, however, the association met with more difficulties in the arrangements of form and character from the peculiar position of the various political parties. The marquis of Argyle's party, led by himself, Queensberry, and Melville, proposed to secure William's government by placing all its enemies under surveillance, while the strict presbyterians of the west, or, as they were now commonly called, the western whigs, asked for an association for the protection of the king's person, which was almost equivalent to a renewal of the covenant, and they offered, in case their proposal was accepted, to bring into the field an army of forty thousand men. The king's ministers were most inclined to the latter proposal, though they were afraid to propose anything like a renewal of the covenant, and in the end a simple association was agreed to, on the same plan as that which had been formed in England.

In the following September, the Scottish parliament met, the earl of Tullibardine acting as the king's commissioner, and he and sir Patrick Hume, now created lord Polwarth, managed it so well, that the requisite supplies were granted without hesitation, and the various subjects of discontent were allowed to pass almost unnoticed. In their zeal against the jacobites, whose recent plots had caused so much sensation, this parliament passed an act "that when it should please God to afflict the nation by the death of the king, no commission, civil or military, or any court whatsoever, should cease or become void for six months after his present majesty's decease, unless stopped or recalled by the next immediate successor to whom the imperial crown of the kingdom should descend, and that the parliament should not be dissolved, but by virtue of that present act be empowered and required to convene, sit, and act, notwithstanding of the said death, and that during the time of six months and no longer, unless sooner adjourned by the person who shall be next heir to the crown." But at the same time the favours which the king showered

upon Tullibardine and his particular friends, raised jealousies and divisions among the ministers of state, while his hostility to the Darien company excited the greatest discontent throughout Scotland. Yet in the year following, under the management of lord Polwarth, who was now created earl of Marchmont, and who was deservedly popular in the country, the Scottish parliament agreed to keep up a standing army, which was refused in England, and gave other proofs of gratitude for their deliverance by king William from popery and arbitrary power. The great subject of discontent was still the question of the colony of Darien, or rather of the company who were attempting to establish it, which was commonly known as the African company, and the king found it necessary to excuse or disavow some of his proceedings in that matter, such as, especially, the conduct of his agent at Ham-burgh. During some subsequent months, little occurred in Scotland to arrest the pen of the historian, and the discontent occasioned by the king's hostility to the colony of Darien did not show itself in any very violent form, until in the beginning of the year 1700, the company at home had received certain intelligence of its disasters. As, however, it was supposed that the new expedition just sent out would retrieve the fortunes of the settlement, the general council or committee of the company only drew up an address to the king on the seizure of their ship the *Dolphin* by the Spaniards, and the imprisonment and cruel treatment of the crew. The duke of Hamilton, who had lately obtained the title in his mother's right, was deeply engaged in the Darien scheme, and his younger brother, the lord Basil, was chosen to present the address; but the king refused to admit him to his presence, on the ground of his jacobitism, and it was only with apparent reluctance that he promised to demand of Spain the release of their sailors, and to allow the Scots liberty of trade in the English plantations. This matter was rendered more embarrassing to the king by the conduct of the English parliament, which, having before taken up the matter with great warmth, had now cooled, and when in the parliament of 1700, the house of lords passed a vote against the Scottish project by a small majority, the commons refused to concur in it, and the king gave an answer to the address of the lords which seems to have pleased no party. In conclusion, however, the king took occasion to recommend his

favourite project of an incorporating union between the two countries, observing, "that, as difficulties would too often arise with respect to the different interests of trade between his two kingdoms, unless some way were found out to unite them more nearly and completely, he therefore reminded them of what he had recommended to both parliaments soon after his accession to the throne—a union between them, than which his majesty was of opinion nothing would more contribute to their mutual security and happiness; and was inclined to hope that after they have lived near one hundred years under the same head, some happy expedient might be found for making them one people, in case a treaty were set on foot for that purpose."

With the repetition of bad tidings from the colony, the popular ferment increased, and in the hope of appeasing it in some degree, it was resolved to call a meeting of the Scottish parliament, which accordingly was opened on the 21st of May, 1700. For the sake of popularity, the duke of Queensberry was appointed the king's commissioner, and he was assisted by the earl of Marchmont as president, and the earl of Seafield as secretary. The king spoke in his letter very warily and cautiously as regarded the main subject of discontent. "We are heartily sorry," he said, "for the misfortunes and losses that the nation has sustained in their trade, and we will effectually concur in anything that may contribute for promoting and encouraging of trade, that being so indispensably needful for the welfare of the nation. And we do particularly recommend to you the encouraging of manufactures, and the improvement of the native produce of the kingdom, which is not only the surest foundation of foreign trade, but will be an effectual way for promoting and employing the poor." The tone of this communication produced a bad effect on the estates, and, in spite of the efforts of Queensberry and Marchmont to soften them, the parliament resolved that in their proceedings the affairs of the company and colony should take precedence of all other subjects except religion, and took effectual steps to prevent this resolution from being defeated. Petitions now poured in from all sides, complaining of abundance of other grievances, but chiefly insisting upon the injury which the country had sustained in its colony of Darien, which, as far as they knew, still existed, though they already feared that

the second establishment of it would fare little better than the first. After a multitude of such petitions had been read, a motion was brought forward, "that there be a resolve of parliament, that our colony of Caledonia, in Darien, is a legal and rightful settlement in the terms of the act of parliament, and that the parliament will maintain and support the same, and that there be an act brought in the next *sederunt* accordingly." The commissioner saw that it would be in vain to resist this motion, and he made an excuse for adjourning the meeting before it was put to the vote, and then prorogued the parliament. This increased the flame, and before the estates separated, they drew up a warm remonstrance to the king against what they considered an infringement on the freedom of parliament. The king returned an unsatisfactory answer, but he was evidently desirous of acting with as much indulgence as possible.

The discontent caused by the Darien affair gave encouragement to the jacobites, who now began openly to boast of their hopes of effecting a counter-revolution. Some of them held a dinner at a tavern to celebrate the birthday of the pretender, which was done in a violent and open manner, and it happening that the same day brought intelligence of the defeat of the Spaniards by the colonists of Darien, some of the secret plotters announced an illumination at night. The exultation was so great, that the illumination immediately became general, and all windows which were not illuminated were instantly destroyed, and damage was thus done to a very considerable amount. The mob were for a while completely masters of the capital. They compelled the lord advocate to give them a warrant to release from confinement two printers who had been committed for seditious libels, and when they reached the prison, not obtaining entrance so quickly as they expected, they applied fire to the door and effected an entry by force. The magistrates were almost powerless, and at last only four or five individuals of very mean estate were arrested and brought to trial, charged with having been active in the riot. They were proved to have been present with drawn swords in their hands at the forcible entry of the prison and release of the prisoners; but the court of judiciary were themselves under such fear that they did not dare to award any more severe punishment than public flogging to one offender, and the pillory to

three others. When these sentences were to be carried into execution, the pillory was dressed with flowers, and an immense mob attended, with music and other demonstrations of triumph, and while they pledged the three sufferers in wine, the fourth was flogged by the hangman in such a manner, that it was a matter of laughter to him rather than of pain. The magistrates of Edinburgh were summoned before the privy council, and severely reprimanded for their negligence, and the hangman, for his behaviour, was sentenced to receive himself the flogging which he had executed so inefficiently on another. The hangman of Haddington was sent for to execute this sentence; but when the hangman of Edinburgh was placed in the condition for receiving his punishment, the executioner was so terrified at the threatening aspect of the mob that he ran away and left him in the hands of the bailies, to the great delight of the populace. No further punishment appears to have been inflicted on the offenders in Edinburgh; but not so with the hangman of Haddington, for the magistrates of that borough were highly incensed at the cowardice of their executioner, and having sent for the hangman of another borough, and having no mob to interfere with their orders, they caused him to inflict a very severe flogging upon him; so that in the sequel it was the hangman of Haddington who alone received punishment for the offences of the mob, magistrates, and hangman of Edinburgh.

The misfortunes of the Darien expedition were accompanied by a general depression of trade in Scotland, which, in the irritated state of public feeling, was ascribed to the most unreasonable causes, and led to proposals of remedies of a desperate and extravagant description. Some talked of a separation of the two crowns; others, more numerous, proposed prohibitive laws against the use of English produce and manufactures; others cried out for an act of parliament forbidding commercial intercourse with all who were adverse to the Scottish settlement of Caledonia. News, however, arrived at this crisis that the settlement had been finally abandoned, and then the popular clamour knew no bounds; and as if all things conspired to give embarrassment to the government, at this very moment a letter was received from the captain of the vessel seized by the Spaniards at Carthage, who was lying with his companions in irons in a dungeon in Seville, waiting his trial on the charge

of piracy. A new address to the crown was now drawn up, in very inflammatory language, calling for a meeting of parliament; while the jacobites, taking advantage of the general excitement, urged the immediate restoration of the exiled dynasty. All these threats, however, ended in an association to forbear the use of foreign wines, brandies, or silks, by which the government would be deprived of the most lucrative branch of its customs and excise.

The government, meanwhile, was active in its exertions to secure friends and supporters, and by a rather extensive distribution of places and pensions did much towards breaking the parliamentary opposition. It was proposed that the king should visit Scotland in person, and treat the Scots with the splendour of a coronation, and some steps are understood to have been taken towards placing Holyrood-house in a condition to receive him, but this design was soon given up. He wrote, however, a conciliatory letter to the privy council, assuring them that his inability to comply with all their desires relating to the Darien colony arose entirely from the position of affairs in Europe; but declaring that since the expedition had turned out so disastrously, he was ready to concur with the parliament in any measures that could reasonably be expected from him calculated to protect their interests and repair their losses. He announced to them at the same time that he had already made an effectual remonstrance in favour of the crew of their ship taken by the Spaniards, who would be set at liberty. After an adjournment, the parliament met for business on the 29th of October, and ministers had improved the interval so well, that they opened the session with a majority, which was soon increased, and ensured by the popular measures they introduced. One of the first of these was a harsh law against Roman catholics, which was intended to gratify the presbyterians, who were further conciliated by acts for the security of their own form of church government. An act was likewise passed in this session to secure the person of the subject from wrongful imprisonment and to prevent delays in trials. Some measures of a prohibitory nature were adopted for the protection of Scottish trade, and among the articles thus prohibited were especially enumerated all woollen manufactured goods, which was considered as a sort of retaliation against the English for their hostility to

the Darien scheme. This latter subject could not at last be avoided, and it gave rise to some animated debates. The king was now preparing for the war of the Spanish succession, and he had not the same political reasons as before for discountenancing the design upon Darien, and as the Scottish people were much irritated at the manner in which the English opposition had been shown, a resolution was passed without any opposition or dissent, "That the votes and proceedings of the parliament of England, and their address presented to his majesty in December, 1695, in relation to an act of the Scottish parliament establishing their Indian and African company, and the address of the house of lords presented to his majesty in February, 1700, are undue intermeddling in the affairs of the kingdom, and an invasion upon the sovereignty and independency of our king and parliament; that the memorial presented in his majesty's name as king of Great Britain to the senate of Ham-
burgh, April 7th, 1697, by sir Paul Rycaut, then resident in that city, and Mr. Cressett, his majesty's envoy extraordinary at the court of Lunenburg, was most unwarrantable, containing manifest falsehoods, and contrary to the law of nations, injurious to his majesty, and open encroachment upon the sovereignty and independency of the crown and kingdom, the occasion of great losses and disappointments to the said company, and of the most dangerous consequences to the trade of the country; that the proclamations emitted in the English plantations in 1699, against the Scottish Indian and African company and colony of Caledonia, were injurious and prejudicial to the rights and liberties of the said country." Another resolution, moved by the duke of Hamilton, "That the Indian and African company's colony of Caledonia in Darien, in the continent of America, was a legal and rightful settlement, precisely in terms of the act of parliament and letters patent establishing the company; and that the parliament will assist and support the said company in the lawful prosecution of their right thereof, as holding of the crown of this kingdom," was rejected, after a rather tumultuous debate, and an amendment passed, "That the company, in making and prosecuting the said settlement, acted warrantable by virtue of the said act and patent." An attempt was made on another day to renew the duke of Hamilton's motion

in the form of an act declaratory of the company's rights with regard to the colony, but instead of agreeing to it the estates resolved to present an address to his majesty, praying for the removal and prevention of all encroachments upon the independency and sovereignty of the crown and kingdom, and that the company should be assured of his protection and be assisted in obtaining the proper remedy for reparation of their losses. On the 20th of January, 1701, after the debates on this subject had lasted ten days, an act was passed to prolong the period of the duration of the company's temporary privileges and liberties. After all these matters had been settled, the supplies were granted, the more readily, as the king had agreed to some reduction in the number of the forces. But the opposition had wasted so much time with petty objections and disputes, that the session concluded with some of its business yet undone, and the commissioner dismissed them with the following rather peevish speech:—"My lords and gentlemen,—I confess I promised in his majesty's name that you should have time for other business before you, and I appeal to the house if the time that has been spent about stating of questions, and preference of business, might not, if well husbanded, have answered for this end. I must put you in mind that you have now sat above three months; the first two months were entirely bestowed upon laws, before anything was offered in relation to the forces and supply, and I am sure both you and I expected that all the business then before you might have been ended in less than a month, which has been allowed you since. I have given you all the time I can, and if you have not managed it well enough, it is not my fault. You must all be convinced his majesty's affairs cannot allow us to sit longer; several good and important laws are already passed; and such as are wanting of what was designed may be overtaken another time." It may be remarked that one of the consequences of the laws for the protection of Scottish trade passed in this parliament was the establishment of distilleries in that country, and the first introduction of that spirit (whiskey) the name of which is now so particularly connected with Scotland.

At the time this parliament was held, great changes were taking place and in preparation in the politics of Europe, which affected in an especial degree the British

empire. The death of the king of Spain, and his last arrangements, had delivered the Scottish throne to a Bourbon, and virtually united Spain and France. On the 16th of September, 1701, king James died in his exile, and the French king, in a very ostentatious manner, acknowledged his son as king of Great Britain. These and various other circumstances showed that a European war was inevitable, and the people of England prepared with energy to vindicate their revolution and resent the insult of a threat by a king of France to provide them with a popish tyrant. The English parliament had already passed a strong resolution for supporting king William, and had agreed to that settlement which conveyed the crown to the house of Hanover; but in the temper of the Scottish parliament it was thought unsafe even to bring forward the question of the settlement of the crown there. The jacobites, who were encouraged by the conduct of Louis, employed all their arts to foment the general discontent; but the very circumstances which gave them hopes tended to excite the alarm of all who had benefited by the revolution, among whom was included the whole body of the presbyterians. By the exertions of the ministers, and from other causes which it is not necessary to enumerate, people's discontent was gradually appeased, and party spirit appeared to be rapidly subsiding. Even the presbyterians were becoming more moderate, and the kirk was disturbed only by some disputes with the Cameronians, or society-men, who protested against the erastianism of their brethren. A general assembly, the last in William's reign, met on the 6th of March, 1702, to which the king had sent as his commissioner the earl of Marchmont, a nobleman to whom the presbyterians were sincerely attached. In his letter, the king declared his satisfaction with the proceedings of recent assemblies, assured them of his constant resolution to maintain their form of church government in Scotland, and recommended to them unanimity, and a persistence in the same moderation which they had lately been pursuing. They prepared an answer full of professions of loyalty and duty, and expressed their extreme satisfaction at the appointment of lord Marchmont; but while they were employed upon it, the commissioner received information of the dangerous state of the king's health, which he immediately communicated to the assembly, urging them to dispatch without delay their necessary busi-

ness, and then prepare for the worst, as he seems to have given them no hopes of William's recovery. The ministers felt the grave character of the circumstances, and proceeded at once to appoint a commission to act for the church during the interval between another assembly, naming upon it in the first place all the old ministers who had been ministers in 1661 and were still alive, and after them a selection of the ablest ministers from the various presbyteries throughout the kingdom. They then dissolved, and awaited the result, which soon arrived, for the king had already expired, on the morning of the 8th of March. His last recommendation to Scotland was a union between the two kingdoms. On the debate upon the act of adjuration in the English house of peers, the earl of Nottingham had declared that, in order to secure a protestant succession, he thought a union of the whole island was absolutely necessary; and he accordingly moved for an address to the king, that he would dissolve the parliament of Scotland then sitting, as the legality of it might be called in question on account of its having been originally a convention, and that a new parliament should be summoned for the purpose of treating about such a union. It was a design which the king had much at heart, and when, in consequence of his fall from his horse, he was not able to attend the English parliament in person, he sent the following written communication, which may be considered as his last public act:—"His majesty being at present hindered by an unhappy accident from coming in person to this parliament, is pleased to signify to the house of commons by message what he designed to have spoken to both houses from the throne. His majesty, in the first year of his reign, did acquaint the parliament, that commissioners were authorised in Scotland to treat with such commissioners as should be appointed in England, of proper terms for uniting the two kingdoms, and at the same time expressed his great desire of such a union. His majesty is fully satisfied that nothing can more contribute to the present and future security and happiness of England and Scotland, than a firm and entire union between them; and he cannot but hope, that upon a due consideration of their present circumstances, there will be found a general disposition to this union. His majesty would esteem it a peculiar felicity if, during his reign, some happy expedient for making both kingdoms one might take place;

and is therefore extremely desirous that a treaty for that purpose might be set on foot, and does in the most earnest manner recommend this affair to the consideration of the house."

The intelligence of the accession of queen Anne was received by all parties with satisfaction, because each derived from it its own peculiar hopes. Even the jacobites, believing that she would leave no issue and seeing that their own pretender was a minor, believed that she would eventually appoint him her successor. The tories gladly acknowledged her as a daughter of king James, and therefore having legitimacy in her favour; while of course the whigs accepted her as their own choice by the bill of settlement. Under these circumstances the jacobites dropped their title, and assumed that of "cavaliers;" while, out of the Darien agitation, there had arisen a new party, which took the name of "the country party," who acted in opposition to the government, but whose grand point of attack was the duration of the convention parliament. People, indeed, had become tired of this long parliament, and many, who were not inclined to raise any question as to its origin, had for some time wished it to be dissolved; but the government was afraid to risk the elections in the continual state of agitation and excitement which the different political factions had kept up during recent years. In a letter to the privy council of Scotland, announcing her accession to the throne, the queen desired them to continue to act in that office until she should send a new commission. She authorised them to publish in the meantime a proclamation, ordaining all officers of state, counsellors, and magistrates, to act in all things conformably to the commissions and instructions of the late king, until new commissions should be prepared. She assured them of her firm resolution to protect their religion, laws, and liberties, as well as the established government of the church. She had already taken the coronation oath for Scotland in the presence of twelve Scottish councillors; but some of those opposed to the government represented that this was an irregular mode of proceeding, and that the oath ought to have been tendered by persons deputed for that purpose either by the parliament or by the privy council. The existing ministry, consisting of the duke of Queensberry, and the earls of Marchmont, Melville, Seafeld, Hyndford, and Selkirk, were men devoted

to the principles of the revolution, and, sharing in William's unwillingness to try the elections at that moment, were desirous that the present parliament should continue, in pursuance of the late act for continuing the parliament that should be then in being for six months after the death of the king, and that it should be assembled in twenty days after that event. The queen had, by several adjournments, deferred the meeting till three months after her accession, on which account the opposition, led by the duke of Hamilton, declared the parliament was virtually dissolved, and became clamorous for the immediate election of a new one. Hamilton, with the marquis of Tweeddale, the earls Marshal and Rothes, and other noblemen, proceeded to London, to lay before the queen their objections to the continuance of the present parliament, and implore her to dissolve it; but, though they were graciously received and calmly listened to, the queen acted on the advice of the Scottish privy council, who were of opinion that the nation was at that moment in too great a ferment to hazard the experiment. At length, according to her last adjournment, the parliament met on the 9th of June, the duke of Queensberry attending as the queen's commissioner. As soon as the parliament met, and prayers had been said, the duke of Hamilton rose to speak. The commissioner informed him that he was out of order, and requested him to wait until the queen's commission had been read, and the parliament constituted; but Hamilton persisted, and at length obtained a hearing, when he addressed the meeting as follows:—"We are come here," he said, "in obedience to her majesty's commands, and we are all heartily glad of her majesty's happy accession to the throne, not merely on account that it was her undoubted right as being lineally descended from the ancient race of our kings, but likewise because of the many personal virtues and royal qualities her majesty is endowed with, which gives us ground to hope we shall enjoy under her auspicious reign all the blessings that can attend a nation which has a loving and gracious sovereign united with a dutiful and obedient people; and we are resolved to sacrifice our lives and fortunes in defence of her majesty's right against all her enemies whatever, and have all the deference and respect for her majesty's government and authority that is due from loyal subjects to their rightful and lawful sovereign. But at

the same time that we acknowledge our submission to her majesty's authority, we think ourselves bound in duty, by virtue of the obedience we owe to the standing laws of the nation, and because of the regard we ought to have for the rights and liberties of our fellow-subjects, to declare our opinion as to the legality of this meeting—namely, that we do not think ourselves warranted by law to sit and act any longer as a parliament, and that by so doing we shall incur the hazard of losing our lives and fortunes, if our proceedings shall come to be questioned by future parliaments." The duke then produced and read a paper containing the reasons of dissent, which he delivered in his own name and in that of all who should adhere to him. These reasons were:—"Forasmuch as by the fundamental laws and constitution of this kingdom, all parliaments do dissolve by the death of the king or queen, except so far as innovated by the seventeenth act sixth session of king William's parliament last, it being at his decease to meet and act what should be needful for the defence of the true protestant religion as now by law established, and maintaining the succession to the crown as settled by the claim of right, and for preserving and securing the peace and safety of the kingdom. And seeing that the said ends are fully satisfied by her majesty's succession to the throne, whereby the religion and peace of the country are secured, we conceive ourselves not now warranted by law to meet, sit, or act, and therefore do dissent from anything that shall be done or acted." When he had finished reading, the duke retired, and was followed by seventy-nine members who adhered to his protest. They proceeded from the parliament-house to a tavern near the cross, amid the acclamations of the multitude. They subsequently dispatched lord Blantyre to court with an address to the queen in defence of their proceedings; but, though he was received in the queen's presence graciously, he was not allowed to present the address, and Anne declared her displeasure at their presumption, and her resolution to maintain the authority of that session of parliament, and the dignity of her commissioner. Proceedings were subsequently instituted against the dean and faculty of advocates, who had presented an address approving of the conduct of Hamilton and his adherents, a large number of whom declared that they had not authorised the dean to put their names to it.

The matter was finally left in the hands of the privy council.

Notwithstanding this secession, the parliament proceeded to business, and the commissioner read the queen's letter, in which she declared her resolution to maintain and protect her Scottish subjects in the full possession of their religion, laws, liberties, and the presbyterian discipline. She informed them that she had declared war against France, and desired them to provide competent supplies for maintaining such a number of forces as might be necessary to disappoint the designs of the enemy and preserve the present happy settlement. She earnestly recommended to their consideration a union of the two kingdoms. The duke of Queensberry spoke with great earnestness of the advantages which would be derived from the proposed union; but lord Marchmont, who entertained fears for presbyterianism, advocated that measure with less warmth. An act was then passed vindicating the authority of the queen and asserting the legality of the present parliament. An attestation was next produced, under the signatures of several members of the privy council, of the taking of the coronation oath by the new queen, after which the oath of allegiance was introduced, and an assurance was made that queen Anne was their only lawful and undoubted sovereign, both *de jure* and *de facto*, and with this was joined an engagement to defend her title against the pretended prince of Wales and his adherents. It was declared treason for any person to disdain, quarrel, or impugn the dignity and authority of the present meeting of parliament. An act was then brought in for securing the true protestant religion and presbyterian government; on the second reading of which, sir Alexander Bruce, commissioner for the burgh of Sanquhar, made some reflections upon presbytery, for which he was instantly called to the bar, and not giving a satisfactory explanation, he was at once expelled from the parliament. After a liberal supply had been granted, an act was brought in and passed, empowering the queen to "appoint commissioners to treat for a union; the estates of parliament being fully satisfied that such a union is needful and would be very advantageous for the defence of the true protestant religion, and for the better preserving and establishing the peace, safety, and happiness of both kingdoms." A suspicion had by this time been spread rather widely, that the queen was

not favourable to the presbyterian form of church government, and that, unless special care were taken, the proposed union might pave the way for an attempt to reintroduce episcopalianism. This gave rise to some discussion in parliament, which, however, in passing the act, expressed their confidence in the queen's intentions to fulfil her own promises on this subject, and in the care which their commissioners would give to this subject when the terms of the union should come under consideration. The discussion of an act abjuring the pretender was the cause of greater disagreements, and the commissioner, having received directions from court to prevent this act, and satisfied that it would be carried, was driven to the necessity of terminating the session abruptly. In doing this, he addressed them as follows:—"My lords and gentlemen,—The cheerfulness and unanimity of your proceedings in this session of parliament, in recognising her majesty's royal authority, securing the protestant religion and presbyterian government, and expediting the other acts that have been passed for her majesty's service and the good and safety of the kingdom, will, I am persuaded, be very acceptable to her majesty and satisfying to all her good subjects, and, I do assure you, is very obliging to me. But I must regret, that when I was expecting we should have finished in the same happy manner, a proposal, which I had some ground to think was laid aside, was offered the other day, to my surprise, as well as that of her majesty's other ministers, which occasioned some debate and difference in the house. My early engaging and firm adherence to the present establishment is so well known, that none can doubt my readiness to enter into all measures for her majesty's service and securing our happy settlement according to the claim of right; and I am confident that you are all of that mind. Since we are then all the same as to our dutiful and faithful adherence to her majesty, and that the claim of right is our unalterable security, I judge it fit for her majesty's service and your own interest, to prevent further contest and debate among persons I know to be so entirely well affected to her majesty, and for whom I have all imaginable honour, to dismiss this session of parliament. We have had no particular acts or ratifications that do require an act *salvo*; and I do render you hearty thanks in her majesty's name for the loyalty you have testified in your public acts, and

which I shall be careful to report to her majesty, and shall only recommend to you to let the country know the gracious assurances her majesty has been pleased to give us, and to dispose them to their duty and to comply with her majesty's royal intentions for their own welfare and happiness. And this I do in her majesty's name, and by her authority adjourn this parliament till Tuesday, the 18th day of August." This adjournment took place on the 30th of June; and immediately afterwards the leading men of the different political factions repaired to London, prepared by what had taken place for a speedy change in the Scottish administration.

The commissioners for treating for the union having been named on both sides, they met for the first time in the council-chamber in the Cockpit at Westminster, on the 27th of October, 1702, and continued their meetings there until the month of February following. It is desirable to follow their deliberations, as far as the minutes will allow us, to understand the reasons of failure in this first attempt, and as a necessary introduction to the narrative of the proceedings which led to the final success of the measure. On the 10th of November, the commission first proceeded to business. About seven in the evening the commissioners of both kingdoms met, and, after they had stood awhile, they took their places at a long table, the English on the right side, and the archbishop of Canterbury as first in their commission upmost; the Scots on the left side, and the duke of Queensberry first in the commission upmost. When they were seated, and their respective commissions read, the lord keeper made the following speech:—"My lords,—We, the commissioners for England, do, with great satisfaction meet your lordships on this occasion, hoping that by this congress the great business, for which her majesty has been pleased to grant these commissions, may be happily effected. That England and Scotland already united in allegiance under one head, the queen may for ever hereafter become one people, one in heart and mutual affections, one in interest, one in name, or in deed—a work, which, if it can be brought to pass, promiseth a lasting happiness to us all. With great sincerity we desire this union: and we meet your lordships with hearts fully determined to enter upon such considerations, and into such measures with your lordships, as are

proper for bringing the same to the desired conclusion; on our part nothing shall be wanting that may conduce to a happy period of this great work." The duke of Queensberry replied for the Scots:—"My lord,—The union of the two kingdoms has been much desired both before and since their being under one sovereign; and I hope it is reserved to her majesty, for the glory of her reign, to finish the design which hath been often attempted by her royal predecessors. My lord, I do consider this union to be highly advantageous for the peace and wealth of both kingdoms, and a great security for the protestant religion everywhere; and I can assure your lordships, both for myself and the other lords commissioners for Scotland, that we meet your lordships with great regard and honour to your persons, and with sincere intentions to advance this great design, and to accommodate any difficulties that may arise in the treaty upon fair and reasonable terms."

After two adjournments, and the disposal of some objections of little moment, on the 18th of November the commissioners received a message from the queen, informing them, that "her majesty having, in prosecution of the several attempts made by her royal predecessors, moved both the parliaments to consider of the most effectual methods for establishing an union between the two kingdoms; and her majesty being authorised by both parliaments to appoint commissioners to treat of the terms of this union, which she hath done accordingly; her majesty hopeth that the commissioners, now happily met for this purpose, will agree upon such measures as will be acceptable to both parliaments; and may perfect an indissoluble union between the two nations, which her majesty thinks the most likely means, under heaven, to establish the monarchy, secure the peace, and increase the trade, wealth, and happiness of both nations. The heads of this treaty are so obvious, that her majesty does not think it necessary to name them; but her majesty recommends it to the commissioners, to make such proposals mutually on this subject as shall occur to them, and may be most likely to bring this treaty to a happy and speedy conclusion. And her majesty earnestly wishes, for her own honour, and the welfare of her subjects, that this union may be established on such solid foundations, as that the breach of it may be as impossible as human councils can make it. Given at

the court of St. James's, the 16th November, 1702."

Two meetings were occupied chiefly in agreeing upon the forms to be followed in their proceedings, and then, on the 20th of November, the lord keeper gave in the general heads of the proposals made on the part of England, which were, that the two kingdoms be united into one, by the name of "The kingdom of Great Britain, &c.;" and that the succession to the monarchy of this united kingdom of Great Britain shall be according to the limitations mentioned in the act of parliament made in England in the twelfth and thirteenth years of the reign of the late king William, intituled, "An act for the further limitation of the crown, and better securing the rights and liberties of the subject." The duke of Queensberry, on the part of the Scots, proposed—1. The uniting of the two kingdoms into one monarchy. 2. The representing both kingdoms in one parliament. 3. The mutual communication of trade, and all other privileges and advantages. At the next meeting, on the 25th of November, Queensberry acquainted the English commissioners, that the commissioners for Scotland were willing to agree that the kingdoms be united into one, by the name of "The kingdom of Great Britain," and that the succession to the monarchy of the united kingdom, in default of issue of queen Anne, shall descend on the princess Sophia, electoress dowager of Hanover, and remain to her, and the heirs of her body, being protestants (excluding all papists), for ever, according to the act of the previous reign: reserving the other conditions and provisions contained in the act, to be considered in the further progress of the treaty, in order to be adapted to the constitutions and laws of both kingdoms. The lord keeper then acquainted the Scots commissioners with the answer of the English commissioners to two of their articles, which were accepted by the English; but the third question, that of trade, offered more difficulties, and the meeting adjourned to the 30th of November, to consider it further, when, the reply of the English being rather an evasion than an answer, the meeting adjourned further, and it was not till the 4th of December that Queensberry made the following communication on the part of the Scots:—"The lords commissioners for Scotland, having taken into consideration your lordships' answer to the third article of their proposals, wherein your lordships agree that a

mutual communication of trade and other privileges and advantages is proper and reasonable in a complete union of the two kingdoms, their lordships conceive that the uniting the two kingdoms into a monarchy, in one parliament, and one line of succession, is such an union as entitle the subjects of both kingdoms to a mutual communication of trade, and other privileges and advantages; and, if your lordships do acquiesce and consent to the communication of trade in these terms, the lords commissioners for Scotland do consent that the answer and this addition be entered in the respective books and journals." After some apparent hesitation, the English agreed at once to take into consideration the question of trade.

A committee was now appointed to expedite the treaty, and on the 9th, the Scots, who appear to have been at this time most active, made the following proposals:—"1. That there be a free trade betwixt the two kingdoms, without any imposition or distinction. 2. That both kingdoms be under the same regulation, and liable to equal impositions for importation and exportation; and that a book of rates be adjusted for both. 3. That the subjects of both kingdoms, and their seamen and shipping, have equal freedom of trade and commerce to and from the plantations, and be under the same regulations. 4. That the acts of navigation, and all other laws in either kingdom, in so far as contrary to, or inconsistent with, any of the above-mentioned proposals, be rescinded. 5. That neither kingdom be burdened with debts contracted, or to be contracted, by the other before the union; and that the equality of impositions, in the second proposal, be understood with an exception of impositions laid on, or appropriate, by the parliament of England for payment of their debts, or, if an equality be thought necessary, that there be allowed to Scotland an equivalent. 6. That the former proposals are made without prejudice to the companies or manufactories of either kingdom, which are reserved to further consideration in the progress of this treaty." On the 14th of December, the queen, in order to give more activity to the negotiations, attended the meeting of the commissioners, and addressed them as follows:—"My lords,—I am fully persuaded, that the union of the two kingdoms will prove the happiness of both, and render this island more formidable than it has been in past ages; that I wish this treaty may be

brought to a good and speedy conclusion, I am come to know what progress you have made in it, and I do assure you nothing shall be wanting on my part, to bring it to perfection." Two days afterwards (on the 16th) the lord keeper, in the name of the English commissioners, gave in the following remarks on the Scottish proposals:—"As to the first article, their lordships are of opinion, that there be a free trade between the two kingdoms, for the native commodities of the growth, product, or manufactory of the respective countries, with an exception of wool, sheep, and sheep-fells, and without any distinction or imposition, other than equal duties upon the home consumption respectively; their lordships being of opinion, that the trade between the two kingdoms cannot be upon an equal foot, unless the said duties and impositions be the same in Scotland as in England. And this article respecting a coast-trade, it seems reasonable for their lordships to insist, that the master, mariner, and goods should be under the same securities, penalties, and regulations as are in that case provided by the laws in England. As to the second article, it seems reasonable; but their lordships offer, that it will be necessary therein to add a provision, that not only the impositions on trade, but the prohibitions be the same on both sides in respect as well of importations as exportations. As to the third article, their lordships say, that the plantations are the property of Englishmen, and that this trade is of so great a consequence, and so beneficial, as not to be communicated, as is proposed, till all other particulars which shall be thought necessary to this union be adjusted; and, as the case now stands by law, no European goods can be carried to the English plantations but what have been first landed in England, except salt, Irish and Scots provisions, servants and horses, Madeira wine, and wine of the Azores; nor can the product of the plantations be carried to other parts of Europe till it be first landed in England. Their lordships further offer, that in this article it will be necessary to make provision, that the subjects of Scotland shall be liable to be pressed for the sea, in the same manner as the English subjects are, in time of war, for her majesty's service. As to the fourth article, their lordships agree, that an act of navigation must be granted in both kingdoms adapted to the terms of the union. As to the fifth article, their lordships say,

that the proposals therein contained seem to contradict what was granted by the second article, inasmuch as there is no duty subsisting on trade (excepting only on some funds for the civil government) but what is appropriated to the payment of the debts of the nation; that though the said debts have been contracted by a long war entered into more particularly for the preservation of England and the dominions thereto belonging, yet that Scotland has tasted of the benefits which have accrued to Great Britain in general, from the opposition that hath been made to the growth and power of France; that such burdens will be abundantly recompensed to Scotland by a complete union: to which complete union, as a free communication of trade is essential, so such a free communication of trade cannot be established with equality, unless the same duties both upon foreign trade and home consumption be levied on both kingdoms: but how the sums of money thereby arising within the said realm shall be applied, or what equivalent is to be allowed in the room thereof, may be settled when your lordships are ready to offer what proportion of the public burdens Scotland proposes to bear towards the future support of the government, both in times of peace and war. As to the sixth article, their lordships say, that it requires to be further explained, before they can be ready to give any answer to it."

On the 19th of December there was a conference between the commissioners, in which the English seemed to have agreed to all the proposals of the Scots with regard to trade; but this was followed by several adjournments caused by the non-attendance of the English commissioners, at which, as seeming to denote an indifference on the part of the English, the Scots began to signify their impatience, and several of them threatened to return to Scotland. A more full meeting was held on the 30th of December, when the lord keeper offered the following proposals as the result of the conference about trade, to which the English commissioners had agreed:—"Agreed by the lords commissioners of both kingdoms in the terms of the preliminaries, and to take effect when the union shall be completed—1. That there be a free trade between all the subjects of the island of Great Britain, without any distinction, in the same manner as is now practised from one part of England to another; and that the masters, mariners, and

goods be under the same securities and penalties in the coasting-trade. 2. That both kingdoms be under the same regulations and prohibitions, and liable to equal impositions for importation and exportation, and upon the home consumption, and that a book of rates be adjusted for both. 3. That the subjects of both kingdoms, and their seamen and shipping, have equal freedom of trade and commerce to and from the plantations, under such and the same regulations and restrictions as are and will be necessary for preserving the said trade of Great Britain; and that the seamen of Scotland be equally liable to the public service, as the seamen of England now are. 4. That such laws, part or parts of the act of navigation, or of any other law now in force in either kingdom, as shall be contrary to, or inconsistent with, the union, shall be on both sides repealed." The Scots only insisted on the omission of the words relating to home consumption in the second article, which, after another conference, was yielded by the English.

Several other meetings and conferences were held on the question of trade, which was so difficult of adjustment, until, on the 27th of January, 1703, the Scots added to their other proposals a demand for the acknowledgment and support of the Indian and African company. Next day the lord president, on the part of the commissioners for England, offered the following paper, as their lordships' sense of the conference at the preceding meeting:—"The lords commissioners for England agree, that neither kingdom shall be burdened with the debts of the other contracted before the union, and that no duties on home consumption, or taxes to be levied from Scotland, shall be applied for payment of the English debts; and whatever time may be fit to be allowed to Scotland to reap the benefit of the communication of trade, and enable them the better to pay duties on home consumption equal to England, is most proper to be determined in the respective parliaments of both kingdoms."

Then his lordship gave as their answer to the additional proposition—"As to the last proposition, delivered the 27th instant, their lordships say, it has been found by experience, that two companies existing together in the same kingdom, and carrying on the same traffic, are destructive to trade, and are therefore of opinion, that to agree with this proposition will be inconsistent with the

interest of Great Britain." This last article seems to have been by mutual agreement laid aside for some days, but on the 1st of February, the commissioners for Scotland put in the following paper:—"1. Their lordships do still insist for preserving and securing the privileges of the Scots company trading to Africa and the Indies, because the undertakers did, on the public faith of the kingdom, advance a stock of two hundred thousand pounds or thereby; and it is not unknown to your lordships what part the generality of the kingdom, and also the parliament of Scotland, did take in the discouragements and disappointments the said company did receive, as is fully expressed in the address of the parliament to the late king. 2. Their lordships conceive, that the privileges of the Scots company may consist with the English East India company,

or any other English company which are circumscribed to the present limits of England; and it is not proposed that the privileges of the Scots company should be extended beyond the bounds of Scotland, so the several companies do not interfere. 3. If the existing of companies for carrying on the same traffic do appear to your lordships destructive of trade, it is not expected that your lordships will insist that therefore the privileges of the Scots company should be abandoned, without offering at the same time to purchase their right at the public expense." This question seems to have been looked upon as impossible to settle satisfactorily at that moment, and as dangerous to enter upon; and when the commissioners met on Wednesday, the 3rd of February, they were adjourned by a letter from the queen until the 4th of the following October.

CHAPTER XII.

CHANGE OF MINISTERS AND NEW PARLIAMENT; SIMON FRASER OF LOVAT, AND THE NEW JACOBITE PLOT, ANOTHER SESSION OF PARLIAMENT; AFFAIR OF CAPTAIN GREEN.

THE interruption, or rather the termination, of the treaty for a union, was followed almost immediately by a change in the Scottish ministry. All the more rigid presbyterians, the earls of Marchmont, Melville, Selkirk, Leven, and Hyndford, were dismissed from their offices. The earl of Seafield was appointed lord chancellor; the duke of Queensberry and viscount Tarbet, secretaries of state; the marquis of Annandale president of the council, and the earl of Tullibardine, lord privy seal. At the same time it was resolved to call a new parliament. The two religious parties in the country were both in a state of considerable excitement; for while the presbyterians rejoiced at the failure of the treaty as though their church had been saved from destruction, the episcopalians, reckoning rather hastily on the support of the new ministry, assumed a boldness to which they had not been accustomed of late years. The duke of Hamilton had obtained a letter from the queen to the privy council, expressing her desire that the presbyterian clergy should live in brotherly love and communion with such dissenting ministers of

the reformed religion as were in possession of benefices, and lived with decency and submission to the law. The episcopal ministers, encouraged by this interference in their favour, drew up an address to her majesty, in which they represented to her that they were unjustly turned out of their benefices at the revolution, and entreated her to compassionate them and their numerous families, who were reduced to a starving condition, on account of their adherence to the true apostolical church, of which she was a member. This petition was presented on the 13th of March, by Dr. Skene and Dr. Scott, who were introduced to the queen by the duke of Queensberry. She received them graciously, and promised to protect them, and endeavour to supply their necessities; but she exhorted them to live in peace and christian love with the clergy who were by law invested with the church government in Scotland. This same month was the period appointed for a general assembly, which met with some feeling of irritation caused by this proceeding. Lord Seafield, whom the queen had sent down as her commissioner, brought a letter from her

in which she promised that she would protect the presbyterian form of government "as that which she found most acceptable to the inclinations of the people;" but the assembly, who seem to have had some suspicion of the sincerity of the queen's intentions in their favour, were not satisfied with these expressions, and in their address in reply to the letter they carefully described it as the form of church government "agreeable to the word of God." An attempt was made to assert the intrinsic right of the church to hold and to dissolve its own courts independently of the civil power, with the desire of providing against a repetition of the abrupt and rather violent dissolutions of some late assemblies; but this was rather strongly opposed by some of the moderate presbyterians, and was consequently laid aside. A proposal for preventing intermarriages between papists and protestants was debated warmly; and in the middle of this discussion, the commissioner suddenly dissolved the meeting in the queen's name, and the moderator, being taken by surprise, allowed the dissolution to take place without a protest. But the dissatisfaction of the ministers led the question in dispute—as to the kirk's intrinsic power—to be warmly discussed and finally compromised by a form which left the real power to the state, while it indulged the church with the appearance of it, and which has been retained ever since. In future, an assembly was to be dissolved first by the moderator in the name of the Lord Jesus Christ, and then by the commissioner in the name of the civil power.

While this assembly had been going on, great exertions were making throughout the country by the different political parties to gain a majority in the elections, and the result was, that a more considerable number of those who might be considered in general terms as anti-revolutionists obtained seats than had sat in any parliament since the revolution. But most of the parties were more or less divided among themselves, for even the newly-formed country party consisted of two very distinct classes of men—the dissatisfied presbyterians, led by Fletcher of Saltoun, who only sought a redress of grievances which had existed during the late reign; and those who acknowledged as their leaders the duke of Hamilton and the marquis of Tweeddale, and who were guided more by personal ambition and interests than by attachment to any particular sect in religion or principle. The ministry itself was

divided, for there was from the first a jealousy between the members of the old administration who remained in office and their new colleagues. The struggle, however, lay really between the presbyterians and the jacobites. The latter were courted by the earl of Seafield, who, believing them to be stronger than they were, encouraged them with assurances of the queen's secret attachment and reliance upon their superior loyalty and fidelity. Still further to strengthen them, Seafield obtained an indemnity for all acts they had committed since the revolution, which was published in the month of March, and many of the exiles took advantage of it to return from France to Scotland, where, pretending to have changed their sentiments, they took the oaths in order to be qualified to sit in parliament. The episcopalian clergy threw all their weight, such as it was, into the interest of this party, and they became so sanguine that they entertained hopes of being able to outvote the presbyterians. This party, now known as the cavaliers, acknowledged the lord Hume as their leader. The party who supported the principles of the revolution, consisting of the great body of the moderate presbyterians, had for its leader the duke of Argyle. The rigid presbyterians, whose fears as well as their hostility had been excited by recent events, were especially active in the elections, and the duke of Hamilton, who was too wise to separate himself entirely from the presbyterian party, rather assisted than checked them. The consequence was that, though part of them formed the strength of the country party, when united the presbyterians far outnumbered the episcopalians and jacobites.

As this was the last parliament of Scotland, and as it was opened with especial solemnity, the ceremonies attending it, or (according to the old terms) the riding, deserve to be described in detail. On the 6th of May, the day of opening, the streets through which the cavalcade was to pass were cleared of all coaches and carriages, and a lane was formed in the middle with rails on each side, within which those only who formed part of the procession were permitted to enter, except the captains, lieutenants, and ensigns of the trained bands. The streets, without the rails, were lined from Holyrood-house westward, first with the horse-guards; next, with the horse-grenadiers; then, with the foot-guards, who reached to the Nether Bow; from thence to

the parliament square, by the trained bands of the city; from the parliament square to the parliament house, by the lord high constable's guards; and from the parliament house to the bar, by the earl Marshal's guards. The lord high constable was seated in an elbow-chair at the door of the parliament house. The officers of state were assembled there in their robes. The members of parliament, with their attendants, assembled at Holyrood-house, from the windows and gates of which the rolls of parliament were called over by the lord-register, lord-lion, and heralds, after which the procession moved forward in the following order:—Two trumpeters in coats and banners, riding, and bareheaded. Two pursuivants in coats and foot-mantles, similarly riding. Sixty-three commissioners for boroughs, on horseback, covered, riding two and two, each having a lackey attending on foot, "the odd member walking alone." Seventy-seven commissioners for shires, on horseback, covered, two and two, each having two lackies attending on foot. Fifty-one lords and barons, in their robes, riding two and two, each having a gentleman to support his train, and three lackies on foot, wearing above their liveries velvet surtouts, with the arms of their respective lords on the breast and back, embossed on plate, or embroidered with gold and silver. Nineteen viscounts, as the former. Sixty earls, as the former, four lackies attending on each. Four trumpeters, two and two; four pursuivants, two and two; six heralds, two and two, bareheaded. The lord lion-king-at-arms, in his coat, robe, chain, baton, and foot-mantle. The sword of state, borne by the earl of Mar, and the sceptre, by the earl of Crawford, supported by three macers on each side. The crown, borne by the earl of Forfar, in the room of the marquis of Douglas. The purse and commission, carried by the earl of Morton. The duke of Queensberry, lord high commissioner, with his servants, pages, and footmen. Four dukes, two and two, gentlemen bearing their trains, and each having eight lackies. Six marquises, each having six lackies. The duke of Argyle, captain of the horse-guards. The horse-guards. At the entrance of the house, the commissioner was received by the lord high constable, who conducted him to the earl Marshal, and between them, ushered by the lord chancellor, he was led to the throne. After all the members, in their several orders and classes, had taken their

seats, prayers were said, and then the commission of the queen's representative to the parliament was read in Latin. After this the rolls were called, and if any member were called out of his proper order, a protest for precedency was entered. When this part of the ceremony had been concluded, the court of parliament was "fenced" by the lion-king-at-arms, in the following words, which were read by the lord clerk-register, and repeated by the king-at-arms:—"Forasmuch as this present parliament was called by her majesty's royal authority and special mandate, and is now met and convened in obedience thereto, I therefore, in the name of her most sacred majesty, Anne, by the grace of God, of Scotland, England, France, and Ireland, queen, defender of the faith, and in the name of the high and mighty prince, James, duke of Queensberry, her majesty's high commissioner for this kingdom, do fence and fix this court to sit, hold, and continue during her majesty's pleasure; and I command all and sundry to reverence, acknowledge, and obey the same, and I defend and forbid all persons whatsoever to make or occasion any trouble or molestation to this high court of parliament, as they will answer at their highest peril." The lord Boyle, lord treasurer depute, took instruments of this proceeding, in absence of the queen's advocate. The commissions for the officers of state were next produced and read, and those officers took their oaths and seats in parliament in the following order: the earl of Seafield, lord chancellor; the marquis of Annandale, president of the privy council; the earl of Tullibardine, lord privy seal; viscount Tarbet, secretary; sir James Murray of Philiphaugh, lord clerk-register; and Mr. Roderick Mackenzie of Prestonhall, lord justice-clerk. The next proceeding was to read the queen's letter, which was done first by the lord clerk-register, and then a second time by one of the ordinary clerks. She expressed in general terms her affection for the religion and liberties of her ancient kingdom of Scotland, and her readiness to contribute in any way to their security and protection; recommended to the parliament the necessary supplies for the just war in which she was engaged, and the encouragement of trade, and told them she calculated upon their dutiful and cheerful concurrence with her wishes. The commissioner and chancellor, as usual, spoke in recommendation and support of the queen's speech. After the latter had concluded, the duke of

Hamilton gave notice of an act for recognising and asserting her majesty's authority and her undoubted right and title to the crown, which, as this had been done in the preceding session, conveyed by implication doubts of the legality of the previous recognition, and it was understood to be preparatory to a motion to be made by the duke to declare that session, from which he had seceded, illegal. An additional clause to Hamilton's act was suggested by the lord-advocate, "That it should be high treason to question either her majesty's right and title to the crown, or her exercise of the government since she had succeeded to it," which was carried at once by a large majority; and as the queen's sanction of the preceding session of parliament was a part of her exercise of government, the duke's object was of course defeated. It may be stated, as a part of the ceremonies of the first day, that when the parliament rose, the procession returned in nearly the same order to Holyrood-house, where, the same evening, the commissioner entertained the members at a magnificent supper.

The jacobites were anxious to make an ostentatious display of their loyalty in parliament, and it was arranged that the supplies should be moved by their chief, lord Hume; but two of the great parliamentary leaders, Argyle and Marchmont, the first anxious for the security of his estates, and the second, for that of the church, determined to press for acts solemnly ratifying the revolution and the presbyterian government, before any supplies were granted, and they waited upon the duke of Queensberry, and informed him of their intention. Queensberry urged argument and expostulation in vain, and finding himself now in a disagreeable dilemma, with the alternative of relinquishing the hope of supplies or giving up his jacobite allies, he became convinced of his error in reckoning upon the strength of the latter. Accordingly, when lord Hume moved the supply, the marquis of Tweeddale immediately made an overture for a resolution, "That before all other business the parliament might proceed to make such conditions of government and regulations in the constitution of this kingdom, to take place after the decease of her majesty and the heirs of her body, as shall be necessary for the preservation of our religion and liberty." Amid these debates, which were carried on with a boldness of language seldom witnessed in a Scottish

parliament, Fletcher of Saltoun distinguished himself both by the liberality of his views and by his nervous eloquence. "I am not surprised," he said, in supporting the resolution to delay the supplies, "to find an act for a supply brought into this house at the beginning of a session. I know custom has for a long time made it common; but I think experience may teach us that such act should be the last of every session, or lie upon the table till all other great affairs of the nation be finished, and then only granted. It is a strange proposition which is usually made in this house, that if we will give money to the crown, then the crown will give us good laws; as if we were to buy good laws of the crown, and pay money to our princes that they may do their duty, and comply with their coronation oath. And yet this is not the worst; for we have often had promises of good laws, and, when we had given the sums required, those promises have been broken, and the nation left to seek a remedy, which is not to be found unless we obtain the laws we want before we give a supply. And if this be a sufficient reason at all times to postpone a money act, can we be blamed for doing so at this time, when the duty we owe to our country indispensably obliges us to provide for the common safety in case of an event altogether out of our power, and which must necessarily dissolve the government, unless we continue to secure it by new laws,—I mean the death of her majesty, which God in his mercy long avert! I move, therefore, that the house would take into consideration what acts are necessary to secure our religion, liberty, and trade, in case of the said event, before any act of supply, or other business whatever, be brought into deliberation." The result was that the money act was allowed to remain in abeyance, while other acts of a more exciting nature were proceeded with. Among these the subject of religion held a prominent place. The episcopalian clergy, anxious to forestal the triumph of which they imagined themselves now secure, had indiscreetly intruded themselves into some of the parishes, and even in some cases taken forcible possession of the pulpit, to the great indignation of the presbyterians. The earl of Strathmore now introduced into parliament a bill for allowing full toleration to all protestants in the exercise of their worship, the object of which was evidently to exempt the episcopalians from the oath,

and allow them the free possession of church livings. The presbyterians took fire immediately at this proposal, and a warm remonstrance was presented on the part of the general assembly. Marchmont and Argyle met the proposal by introducing measures of a very contrary tendency, and an act was passed "ratifying, approving, and perpetually confirming all laws, statutes, and acts of parliament made against popery and papists; and for establishing, maintaining, and preserving the true protestant religion; as likewise for ratifying, establishing, and confirming presbyterian church government and discipline by kirk sessions, presbyteries, provincial synods, and general assemblies, as agreeable to the word of God, and the only government of Christ's church within the kingdom." Another act declared it to be high treason to question the authority of the convention parliament, or to attempt to alter or innovate upon the claim of right. The latter, we know, abrogated prelacy, and established presbyterianism, in the strongest terms. The ministers seeing that it was impossible to resist the spirit of the parliament, yielded to its wishes.

The consequence of all this was a rupture between the government and the jacobites, or cavaliers, who, thinking themselves betrayed by the duke of Queensberry, first expostulated with him on his breach of promise to favour and protect them, and then resolved to separate themselves from the court and act as an independent party, and during the rest of the session they voted generally with the country party, as the most apparent means of embarrassing the government. All the discontented parties, indeed, of whatever shade of politics, now united under one banner, which was furnished by the act of security. This act originated in a desire to counteract the English influence in Scotland, which the affair of the colony in Darien had led people to look upon with the greatest jealousy, and which was represented to be the cause of every grievance of which the Scottish patriots now complained. It was determined therefore to make Scotland more independent of the government of England, and the mass of the strict presbyterians, who were strongly impressed with the suspicion that any closer union with England might lead to the subversion of their own church government, joined heartily in the design. It was considered that a great mistake had been committed by allowing their native

princes to ascend a foreign throne without placing restrictions upon him as regarded themselves, and that it was no less an error to give their crown to a foreigner, in the case of king William, without accompanying it with such restrictions. An act, therefore, was brought in, providing that, on the twentieth day after the death of the queen, the parliament then in being, or, in case there were no parliament in existence at the time, the members who had sat in the last preceding parliament, should, without regard to any that might be indicted, meet in Edinburgh to present the claim of right and administer the coronation oath to her successor, or appoint commissioners to administer it within thirty days, if such successor were in England, or, if absent from Britain, within sixty days. If the next heir were a minor, the estates were to appoint a regency;—and, if no heir had been already settled, they were authorised to name one, who was to be of the royal line of Scotland and of the true protestant faith; providing always that the same be not successor to the crown of England, unless during the present queen's reign there should be such conditions settled as might secure the honour and sovereignty of the crown and kingdom of Scotland, the freedom, frequency, and power of parliaments, and the religion, liberty, and trade of the nation, from English or any foreign influence. All papists were to be strictly excluded from this parliament, as well as all Englishmen or foreigners, having Scottish titles, but not possessing estates in Scotland to the value of twelve thousand pounds of yearly rents. During the period between the demise of the queen and this meeting of parliament, the government was to be lodged with such members of the estates and privy council as should happen to be in Edinburgh. All civil commissions, except those of sheriffs and justices of the peace, and all military commissions above the rank of captain, were to expire with the death of the sovereign. The subalterns and soldiers were all to repair to their respective quarters or garrisons, and be there under the immediate command of the provisional government; while, for the further security of the latter, all the fencible men of the kingdom, who were protestants, were to be called out, armed, and trained. It was further proposed, as a sure means of cutting off the foreign influence which was said to have proved so injurious, to place the disposal

of offices and places in Scotland under the control of the Scottish parliament. This bill was obstinately and violently debated, and such bold and inflammatory speeches were made as had seldom been heard in a Scottish parliament. It was considered paragraph by paragraph, and many additions and alterations were proposed, of which some were adopted. Fletcher of Saltoun was especially distinguished by the earnestness with which he advocated this measure, and he pleaded strongly for the controlling power of the Scottish parliament over the disposal of places. "Without this," he said, "it is impossible to free us from a dependence upon the English court; all other remedies and conditions of government will prove ineffectual, as plainly appears from the nature of the thing, for who is not sensible of the influence of places and pensions upon all men and all affairs? If our ministers continue to be appointed by the English court, and this nation may not be permitted to dispose of the offices and places of this kingdom, to balance the English bribery, they will corrupt everything to that degree that if any of our laws stand in their way they will get them repealed. Let no man say that it cannot be proved that the English court has ever bestowed any bribe in this country, for they bestow all offices and pensions, they bribe us at our own cost! 'Tis nothing but an English interest in this house that those who wish well to our country have to struggle with at this time. We may, if we please, dream of other remedies; but so long as Scottishmen must go to the English court to obtain offices of trust or profit in this kingdom, these offices will always be managed with regard to the court and interest of England, though to the betraying of the interest of this nation whenever it comes in competition with that of England. And what less can be expected, unless we resolve to expect miracles, and that greedy, ambitious, and for the most part necessitous men, involved in great debts, burdened with great families, and having great titles to support, will lay down their places rather than comply with an English interest? Now, to find Scottishmen opposing this, and willing the English ministers should have the disposal of places and pensions in Scotland, rather than their own parliament, is matter of great astonishment; but that it should be so much as a question in the parliament, is altogether incomprehensible." The voice

of Fletcher, always powerful in the opposition, was on this occasion irresistible, and the ministers saw that the majority in the house was in his favour. They therefore did all they could to counteract the opposition by intriguing with parties, by sowing division among their opponents, by protracting the session and interposing intervals of one or two days between the meetings of parliament for business, so as to tire out those members of the opposition whose long residence in the capital was onerous and who were anxious to return to their homes. They next tried to conciliate the opposition by introducing popular bills, and an act was passed depriving any king or queen of Scotland and England of the right of making war, as king of Scotland, upon any prince, potentate, or state whatsoever, without the consent of parliament. The aim of this act was to hinder Scotland from being necessarily dragged into all the continental quarrels of the new dynasty. Another act confirmed fully the privileges of the company trading to Africa and the Indies, and the company was empowered to convey these privileges, by commission under its seal, to all persons or ships trading to Asia, Africa, or America. Further, to conciliate the mercantile interest and that of the country gentlemen, bills were passed removing the prohibition upon French wines, and continuing that upon the importation of Irish corn and cattle. But all was to no purpose, for, when at last the house came to a decision, the act of security was carried by a majority of fifty-nine. As it seems generally to have been understood that the queen's consent would not be given to this act, the ill-humour of parliament increased after their triumph. At the beginning of September, the earl of Marchmont introduced a bill to settle the succession on the house of Hanover. It seems to have been brought in abruptly, and at first the house appeared to be quite unacquainted with its import; but when the clerk, in reading it, came to the mention of the princess Sophia, the whole house burst into a flame, and some proposed that the bill should be burnt, while others cried out for sending the mover as a prisoner to the castle, and the whole parliament seemed to join in the general outcry. The bill was thrown out by about the same majority as that which passed the act of security. After the meeting of parliament had thus been so long protracted, the ministers brought for-

ward the question of subsidy on the 5th of September, when the parliament house presented an extraordinary scene of tumult. Some members demanded aloud that the royal assent should be given to the act of security, while others asked if the only object of the meeting of parliament was to support the men who were betraying their country. It was moved by the opposition that the question should be put whether the house should proceed to overtures for subsidies or overtures for liberty, and the house resounded with cries of "Liberty or subsidy!" After several hours of violent altercation and invective, the commissioner refused to allow the vote to be taken on this question, upon which the earl of Roxburgh declared that, if there were no other way of obtaining so natural and undeniable a privilege of parliament, they ought to demand it with their swords in their hands. The commissioner was so alarmed at all these symptoms of violence, that he had ordered the foot-guards to be in readiness, and placed a strong guard upon the eastern gate of the city. The agitation, however, had risen to such a height, that, fearful even of losing his own life, he felt it necessary to appease the parliament for the moment, and the members separated with the understanding that next day they were to be allowed to enter upon the question of limitations of the crown. Accordingly, on the following morning, they prepared an overture to the effect that, the elective members should be chosen for every seat at the Michaelmas head courts; that a parliament should be held at least once in two years; that the short adjournments should be made by the parliaments themselves, as in England; and that no officer in the army, customs, or excise, nor any gratuitous pensioner, should be capable of sitting as an elective member. All further proceedings, however, were prevented by the commissioner, who called for the acts which he was empowered to pass, touched them with the sceptre, and closed the session. After it was over, a number of promotions were made among those noblemen who seemed to have influence and to be inclined to give their support to the queen's government. The marquises of Douglas and Athol were created dukes; viscounts Stair and Rosebury, earls of Stair and Roseberry; the viscount Tarbet, earl of Cromartie; the lord Boyle, earl of Glasgow; sir James Stuart of Bute, earl of Bute; Charles Hope, earl

of Hopetoun; the lord Portmore, earl of Portmore; John Crawford of Kilburnie, viscount Garnock; and sir James Primrose, viscount Primrose. The queen at the same time revived the order of the thistle, which had been suppressed in the preceding reign.

These heats greatly raised the hopes of the jacobites, and the pretended British court at St. Germain's, overrating their own prospects on the one hand, and fearful on the other that any bar against the succession of their pretender might be raised by the presbyterian party, were urgent with their friends to be more active, and even dissatisfied with the cautious conduct of the duke of Hamilton, on whom they had been lately looking as one of their main supports. But Hamilton was too wise to risk his fortunes in a mad enterprise, and the disappointed jacobites did not hesitate openly to accuse him of counteracting their plans because he aspired to the crown of Scotland himself. Meanwhile, the ex-queen was engaged in another intrigue, which ended in causing a new and very violent agitation in England as well as in Scotland. The agent in this intrigue was Simon Fraser of Beaufort, an unprincipled and depraved man, afterwards so notorious as lord Lovat. On the death of the chief of his clan in 1698, Simon Fraser and his father attempted to obtain forcible possession of his estates as his next male heir, to the exclusion of the widowed lady Lovat and her four daughters, but they were prevented by the interference of the earl of Athol, a near relative (according to some accounts the brother) of the lady. Not long after this, Simon Fraser, with a strong party of his barbarous followers, entered the house of the lady by surprise and committed a rape upon her person, attended with circumstances of atrocious outrage, with the aim, it appears, of obtaining the estates by forcing her into a marriage. In consequence of this action Fraser was obliged to flee the country, and he repaired to the court of St. Germain's, where he obtained the favour and confidence of king James, and he made use of his position to offer to betray the exiled monarch to king William, on condition of receiving a pardon for his previous offences. He accordingly returned to Scotland, and, through the medium of the earl of Argyle received a remission for his treasons, but, finding that a pardon for the rape was not included in it, he repaired again to France. He was there introduced to the French king, and in a private interview,

assured him that if five thousand troops were landed at Dundee and five hundred at Fort William, he could answer for the rising of ten thousand highlanders to join them. Louis was not unwilling to try the experiment, but, as Fraser produced no credentials, the king only gave him a gratuity and sent him to Scotland to sound the highland chiefs and bring him more substantial assurances from them. Fraser seems to have been taken up at once by the exiled queen-dowager, and he carried with him, by way of giving credit to his messenger, a major-general's commission from the pretender; but the body of the Scottish exiles seem to have distrusted him from the first, and they appointed two of their number to go to Scotland, under protection of the indemnity, for the purpose of watching his motions.

Fraser now proceeded to England, where he was met at Newcastle by the earl of Argyle, who conveyed him secretly to Edinburgh, where he again turned traitor, made a full discovery of his designs to the duke of Queensberry, and offered to make him acquainted with the whole correspondence between the pretender and the jacobites in Scotland. To give more weight to his representations, he delivered to Queensberry a letter from the queen-dowager at St. James's, addressed to the marquis of Athol, but couched in very general terms, and, as the superscription was in a different hand, it was believed that the direction to the marquis of Athol was forged by Fraser himself, in order to ruin that nobleman in revenge for his interference to protect the lady Lovat, and for his hindering him, as he supposed, from obtaining a pardon for the rape. Queensberry was at this moment irritated against the jacobites for their desertion, and embarrassed by the bill of security, and, believing that Fraser might be made useful at least against the former, he gave him a pass to enable him to proceed to the highlands for the purpose of obtaining written promises from the chiefs to rise and join the pretender. The chiefs, however, were on their guard, and, having been unsuccessful in his mission, he returned to Edinburgh, at the moment when the commissioner was proroguing the parliament, and Queensberry obtained for him a pass to Holland, from whence he proceeded to France under an engagement to betray the councils of the jacobites there. On his arrival at St. Germain's, he gave a very

exaggerated account of his operations in favour of the pretender; but the reports of the two gentlemen sent to watch him, together with other intimations of his double-dealing, had already reached France, and the falsehood of his statements having been exposed by lord Melfort, he was, at the desire of the pretender's court, committed a close prisoner to the bastille.

Fraser's correspondence with Queensberry had been detected by Ferguson, one of the most cunning of the jacobite plotters, who immediately sent information of it to the marquis of Athol, and he, suspecting that a fictitious plot was being fabricated to ruin him, complained of it to the queen. The duke of Queensberry avowed that a conspiracy did exist, and the alarm thus given, other discoveries were soon made. Sir John Maclean, crossing over from France with his lady in an open boat, was arrested at Folkestone, and carried to London. Maclean at first declared that his intention was only to pass through England to Scotland, to take advantage of the indemnity there, which was probably the truth; but being told that his arrival in England without permission was an act of treason, and that he might obtain his pardon by making important discoveries, he declared all he knew about the designs of the jacobites and the intended insurrection. These informations implicated a man named Keith, whose uncle had accompanied Fraser from France, and who knew all the intrigues of the court of St. Germain's, and he was accordingly placed under arrest; but he maintained that the only design then on foot was to pave the way to the throne for the pretender after the death of the queen. Among others who were placed under arrest was a gentleman named Lindsay, who had been under-secretary to the earl of Melfort, and who also having returned from France to Scotland to take advantage of the indemnity, had come to England thinking himself safe under its shelter. He protested that he knew of no designs against the queen or her government, and that he did not believe that she would ever receive any injury or molestation from the court of St. Germain's. A new subject of dispute now arose. The house of lords, where the influence of the whigs prevailed, took up the question of the conspiracy, which was termed the "Scotch plot," with considerable warmth, appointed a committee to investigate it, and ordered that sir John Maclean should be brought

before them next day for examination. It was intimated that the 'queen disapproved of the zeal of the lords; and the house of commons, where the tories were strong, and who wished to consider the whole plot as a contrivance of the duke of Queensberry, drew up an address to the queen, in which they complained of the proceedings of the peers as an encroachment upon her prerogative, in taking out of her hands the investigation of the plot. The lords were highly incensed at the conduct of the lower house, and they passed a resolution declaring that, by the known laws and customs of parliament, they had an undoubted right to take examinations of persons charged with criminal matters, whether those persons were or were not in custody. They further resolved, that the address of the commons was unparliamentary, groundless, without precedent, highly injurious to the house of peers, tending to interrupt the good correspondence between the two houses, to create an ill opinion in her majesty of the house of peers, of dangerous consequence to the liberties of the people, the constitution of the kingdom, and the privileges of parliament. They presented a long remonstrance to the queen, justifying their own conduct, explaining the steps they had taken, recriminating upon the commons, and expressing their own zeal and affection for her majesty. The queen merely expressed her concern that any misunderstanding should have arisen between the two houses, and her sense of their affection.

In the midst of these heats, the investigation continued, and at the end of January the earl of Nottingham laid before the house of lords the papers containing all the particulars that had at that time been discovered relating to the conspiracy in Scotland; and, having perused the examinations of the witnesses which were laid before them, without passing any judgment upon them, they thanked her majesty for having communicated these particulars, as well as for her care of the nation. The commons, meanwhile, still irritated against the lords, drew up another address to the queen, in which they renewed their complaints against the conduct of the peers, affirming again that it was without a precedent. The zeal of the lords in prosecuting the examination of the plot was increased by this interference of the commons. Their select committee took the confession of sir John Maclean, who owned that the court of St.

Germain's had listened to Fraser's proposal, that several councils had been held at the pretender's court on the subject of an invasion, and that persons had been sent over to sound some of the nobility in Scotland; but the nature of their private correspondence and negotiation could not be discovered. Keith had tampered with his uncle to disclose the whole secret; but without success; for the uncle stood aloof, and the English ministers did not engage very heartily in the inquiry. The house of lords, therefore, having finished their examinations, voted, that there had been dangerous plots between some persons in Scotland and the courts of France and St. Germain's; and that the encouragement for this plotting arose from the not settling the succession to the crown of Scotland in the house of Hanover. These votes were embodied in an address to the queen, in which the lords promised that, when the succession should be thus settled, they would endeavour to promote the union of the two kingdoms upon just and reasonable terms. They then drew up an answer to the second address of the commons, in which they charged the lower house with want of zeal in the whole progress of this inquiry, produced a great number of precedents to prove that their proceedings had been regular and parliamentary, and charged the commons with partiality and injustice in vacating legal elections. In reply to this remonstrance, the queen assured them that she looked upon any misunderstanding between the two houses as a very great misfortune to the kingdom, and that she should do all in her power to prevent the recurrence of occasions for them in future. The only further proceedings in regard to the plot at this time were the trial and condemnation of David Lindsay, lord Melfort's under-secretary, who was arraigned for high treason in the hope that he would save his life by making important disclosures. Lindsay, however, remained constant to the last; refusing to betray his trust even when the rope was round his neck, and his constancy was a matter of triumph to the whole jacobite party. A reprieve was brought to him on the scaffold, and, after remaining four years in Newgate, he was banished to the continent, where he died in great distress, neglected even by those whom he had risked his life to serve.

The duke of Queensberry now laboured to break the opposition in Scotland, which it appeared less difficult to do, on account

of the discordant parties of which it was composed. He tried to conciliate the tories and episcopalians by obtaining a portion of the queen's bounty for their poorer clergy, but the good he intended to do was partly counteracted by the avarice of the titular bishop of Glasgow, who interfered to turn off the money from its right object, and the tory party was not gained over. In the midst of these difficulties, with the strength of the opposition in Scotland evidently unabated, a meeting of the Scottish council was held in London, at which the queen was present, to consult on the best measures to be adopted in the emergency, and various suggestions were made. The earl of Stair proposed that no more parliaments should for the present be held in Scotland, but that an English army should be sent to enforce obedience. So bold a policy, however, found few supporters. On the other hand, it was evident that Queensberry was no longer able to manage the parliament of Scotland; and the total decline of his influence was confirmed by the arrival of a deputation from the duke of Hamilton and the country party, consisting of Rothes, Roxburgh, and Baillie, who were sent to represent the agitated state of the country and the necessity of calling a parliament. It was determined therefore to change the ministry, and a coalition was effected. The duke of Queensberry himself appears to have been willing to retire from his post rather than face another meeting of the estates, and he quitted office with most of his friends. The marquis of Tweeddale was appointed commissioner in his place, and secretary Johnstone was appointed lord-register. Seafield remained in the office of chancellor, and Cromartie acted as sole secretary. Some offices were distributed among the country party, and others were kept open as rewards in prospect for those who should give efficient support in this emergency to the government, who calculated upon obtaining by these means a parliamentary majority. But their opponents were active in organising an opposition; which was strengthened by reports spread on all sides and sedulously repeated, that the new ministry were as much as the former the agents of English influence, though under different names, and that their professions were not to be trusted. Queensberry himself entered into alliance with Hamilton and Athol, and his friends, grieved at the loss of their places, mostly joined the opposition. The circum-

stances under which the parliament met were thus hardly more favourable to the government than on the former occasion.

The session opened on the 6th of July. The main object of the court was to obtain the nomination by the Scottish parliament of the successor to the throne, which was so loudly called for in England, and to procure a supply for the forces, which had been held back in the preceding session. In order to carry the first of these points, the commissioner was authorised to yield to certain limitations on the successor. The queen, in her letter, expressed her concern at the divisions which had risen to such a height as to encourage the enemies of the nation to employ their emissaries in debauching her good subjects from their allegiance. She declared her resolution to grant whatever could in reason be demanded for quieting the minds of the people. She informed them that she had authorised the marquis of Tweeddale to give unquestionable proofs of her determination to maintain the government in church and state as by law established in that kingdom, by consenting to such laws as should be found wanting for the further security of both, and for preventing all encroachments for the future. She earnestly exhorted them to settle the succession in the protestant line, as a measure absolutely necessary for their own peace and happiness, the quiet and security of all her dominions, the reputation of her affairs abroad, and the improvement of the protestant interest through all Europe. She declared further, that she had authorised her commissioner to give the royal assent to whatever could be reasonably demanded, and it was in her power to grant, for securing the sovereignty and liberties of that her ancient kingdom.

The commissioner and the chancellor enlarged upon the topics of the queen's letter, and showed the estates that they had now an opportunity of securing their liberties, and placing every necessary limitation on the crown. But this was not what the jacobites sought. They were willing enough to embarrass the government by joining in the cry for popular measures when they knew that there was no chance of obtaining them, but their real aim was to restore the absolutism of the Stuarts, and they wanted no limitations that would affect them when they came back. It was determined, therefore, to do all that was possible to prevent the nomination of a successor with limita-

tions, and the duke of Hamilton, without previous notice, brought forward a resolution, that the parliament should not name a successor to the crown, until a treaty should have been completed with England for the settlement of trade and commerce. This motion led to a warm debate, in the course of which Fletcher of Saltoun again expatiated upon his favourite theme—the hardships and miseries which the Scots had sustained since the union of the two crowns under one sovereign, and the impossibility of bettering their condition unless they took care to anticipate any design that tended to a continuation of the same calamities. The ministers, taken rather by surprise, met this motion with one which was calculated to divide the opposition. The earl of Rothes moved that the parliament should proceed to make such limitations and conditions of the government as might be judged proper for rectifying the constitution, and for vindicating and securing the sovereignty and independence of the nation, and that afterwards they should take into consideration the other resolution, for a treaty previous to the nomination of a successor. It was hoped that the discussion on this question would give an opportunity for convincing the true patriots of the real object of Hamilton's motion—namely, that it was a mere blind for the sinister designs of the jacobites; but the question of trade was the “bubble” of the hour, and a violent debate ensued, which was only ended by a proposal of sir James Falconer, lord Phisdo. He said “he was glad to see such an emulation in that house upon account of the nation's interest and security,” and suggested “that both the resolutions were so good that it would be a pity to separate them.” Both were, therefore, joined in one, and it was resolved by a large majority that the parliament would not proceed to the nomination of a successor until the previous treaty with England should be discussed; and that it would make the necessary limitations and conditions of government before the successor should be nominated. This result gave so much satisfaction to the populace of Edinburgh, that the opposition were cheered by the mob as they went from the parliament house, and the duke of Hamilton was carried in triumph to Holyrood-house.

The opposition, however, had gained nothing but the delay of a question of national interest, for the very first intimation of a

proposal for nominating commissioners for the treaty was interrupted by the introduction of the irritating subject of the plot. The duke of Athol, who from the use which had been made of his name by Simon Fraser felt personally interested in the question, moved that her majesty should be desired to send down the witnesses and all the papers relating to the conspiracy, that, after due examination, those who were unjustly accused might be vindicated, and the guilty punished according to their demerits. Fletcher of Saltoun, while regretting that the nomination of commissioners for the treaty had been interrupted, said he thought the plot having once been mentioned ought not to be passed over in silence, and that the proceedings of the English house of lords in presuming to judge of what they termed a Scotch conspiracy, were an encroachment upon the freedom of the nation and the greatest step that ever was made towards asserting England's dominion over the crown of Scotland. He proposed as a resolution, “that the house of lords' address to the queen, in relation to the nomination of her successor to the Scottish crown, and their examination of the plot so far as it regarded Scotland and Scottishmen, was an undue intermeddling in their concerns, and an encroachment upon the honour, sovereignty, and independency of the nation; but that the proceedings of the house of commons were like those of good subjects and good neighbours.” The latter clause of this resolution was abandoned, because it was represented as beneath the dignity of a Scottish parliament to return thanks to any foreign legislature for not invading their liberties; but the censure on the English house of lords was adopted. The desire for a petition to the queen to send down the witnesses and papers relating to the plot was met by a declaration on the part of the commissioner that he had already made this request to the queen, but that he had not yet received her answer. He promised, however, to write again. The jacobites pressed this motion, because they hoped to be able to convict the duke of Queensberry of malice and calumny in the prosecution of that affair, and thus revenge themselves upon him for his deserting them in the previous session; but the duke was aware of their design, and he found means to persuade the queen that the communication of these papers would only lead to an inquiry which would protract the session, divert the

parliament from the settlement of the succession, and raise a ferment which might produce the most disastrous consequences.

Other questions were brought forward, some of which tended to create division among the opposition. The earl of Marchmont proposed an act to exclude all popish successors, which was warmly opposed by Hamilton and his party. Another violent debate arose upon the bill of supply. When this act was brought in by the lord justice-clerk, the cavaliers tacked to it great part of the act of security to which the queen's assent had been refused in the previous session. The debates in the house became tumultuous in the extreme, and the same spirit prevailed without, where people's passions had been excited by the cry that their national independence was threatened. The streets were crowded with people of all ranks, exclaiming against English influence, and threatening death to all who advocated measures which seemed to favour a foreign interest. The commissioner found it impossible to stem the torrent, and, with the concurrence of his colleagues in office, he wrote a letter to the queen, representing the critical position of affairs, and advising her to pass the bill with the act of security attached to it. The queen, acting by the advice of her English minister Godolphin, sent back the necessary authority, and the commissioner passed the bill.

Several attempts were made in the course of the session for nominating the commissioners for treating on the subject of trade, but they were rendered futile by divisions which had now arisen among the opposition, who could not agree upon the names of the commissioners. The duke of Hamilton had fallen under the suspicion of the jacobites, who accused him publicly of seeking the crown for himself, and of secretly counteracting their measures for the restoration of the Stuarts. The parliament next fell upon the subject of the public accounts, which were examined with the utmost minuteness, and various defalcations were pointed out, and some of the defaulters punished. At length the estates entered again upon the plot, and were proceeding to some strong resolutions against the English house of lords, when, on the 28th of August, the commissioner found it necessary to put an end to the session.

The act of security was transmitted to England, where copies of it soon getting abroad, it was seized upon with avidity by

the tories as a ground for attacking the ministers, and the people of England, who had almost forgotten Scotland in the contemplation of Marlborough's victories on the continent, were suddenly excited to an extraordinary degree by the imaginary dangers with which they were threatened on the side of Scotland. It was openly declared that the two kingdoms were now separated by law, so as never to be reunited. Reports were spread that great quantities of arms had been conveyed to Scotland, and that the natives of that kingdom were employed in preparations for the invasion of England. When the English parliament assembled at the end of October, the affairs of Scotland were among the first subjects brought under discussion. Lord Haversham introduced it into the house of lords in a set speech, in which he observed that the settlement of the succession in Scotland had been postponed, partly because the ministry for that country was weak and divided, and partly from a received opinion that the succession was never sincerely and cordially intended by those who managed the affairs of Scotland in the cabinet council. He expatiated on the bad consequences that might attend the act of security, which he termed a bill of exclusion; and particularly pointed out that clause by which the heritors and boroughs were ordained to exercise their fencible men every month. He said the nobility and gentry of Scotland were as learned and brave as any nation in Europe, and generally discontented; that the common people were very numerous, very stout, and very poor; and he asked who was the man that could tell what such a multitude, so armed and so disciplined, might do under such leaders, should opportunities suit their intention. He recommended these circumstances to the consideration of the house, concluding his address with the words of Bacon, "Let men beware how they neglect or suffer matter of troubles to be prepared; for no man can forbid the sparks that may set all on fire." The subject was adjourned to the 29th of November, when the queen attended the house in person, in the hope it was understood of moderating the warmth of the debate by her presence. After much declamation on the act of security, it was resolved, that the queen should be enabled by act of parliament, on the part of England, to name commissioners to treat about a union with Scotland, provided that the

parliament of Scotland should first appoint commissioners on their part for the same purpose; that no Scotchmen, except such as were settled in England, Ireland, or the plantations, and such as were or might be in the sea or land service, should enjoy the privileges of Englishmen, until a union could be effected, or the succession settled as in England; that the traffic in cattle from Scotland and England should be prevented; that the lord admiral should issue orders for taking such vessels as should be found trading from Scotland to France, or to the ports of any of her majesty's enemies; and that care should be taken to prevent the exportation of English wool into Scotland. A bill for an entire union was formed on these resolutions, and passed the house on the 20th of December. The lords now presented an address to the queen, informing her that they had duly weighed the dangerous and pernicious effects likely to be produced by divers acts of parliament lately passed in Scotland: that they were of opinion that the safety of the kingdom required that speedy and effectual orders should be given to put Newcastle in a posture of defence, to secure the port of Tynemouth, and repair the fortifications of Hull and Carlisle. They likewise recommended her majesty to give directions for disciplining the militia of the four northern counties; for providing them with arms and ammunition; for maintaining a competent number of regular troops on the northern borders of England, as well as in the north of Ireland; and for putting the laws in execution against papists. The queen promised that a survey should be made of the places they had mentioned, and laid before the parliament; and that she would give the necessary directions upon the other articles of the address. The commons, on their part, resolved, that a bill should be brought in for the effectual securing the kingdom of England from the apparent dangers that might arise from several acts lately passed in the parliament of Scotland; and the bill sent down by the lords was thrice read, and ordered to lie upon the table; but they passed their own, to take effect at Christmas, provided before that the Scots should not settle the succession.

These proceedings of the English parliament were, as might be expected, highly resented in Scotland, and the popular irritation between the two nations had risen to an alarming height, when an unlucky accident came to give it still greater excitement.

A bitter feeling of hostility had existed between the Scots and the English East India company, ever since the affair of the Darien colony. At this conjuncture, an English ship called the *Worcester*, commanded by captain Thomas Green, and homeward-bound from the East Indies, was compelled by contrary winds or some other cause to put into Scotland. The Scottish African company, having had a ship formerly seized by the English East India company as she was fitting out in the river of Thames, and having in vain solicited restitution, now obtained of their government a warrant to seize and stop this ship by way of reprisal; and accordingly, the ship was seized and brought into Burntisland. During the time it remained there, some of the ship's crew, either in their drink, or otherwise, let fall some words, implying that they had committed acts of piracy accompanied with deeds of blood. This led to further inquiries, and the result was a plain and particular information, that this captain Green, with this ship *Worcester*, meeting with a Scots ship commanded by one captain Drummond in the East Indies, had taken and plundered the ship, and murdered Drummond and all his crew. Green and thirteen sailors were now arrested and brought to trial. The positive evidence consisted only of one negro, but the circumstantial and corroborative evidence was so strong, that they were, upon a long hearing, severally found guilty of piracy and murder. The circumstances of Green and his crew were so singular—their being driven into Scotland, where they had no manner of business; their being seized by the company, the men's falling out among themselves, and being the open instruments of detecting their own doings—their staying there when they might have gone, and had no more business there, on account of which some alleged they had no power to depart;—these, and more concurring circumstances, which became an object of general conversation, led people to think that there was a wonderful and invisible hand in the affair, directing and pointing out the detecting some horrible crime, which divine vengeance suffered not to go unpunished. On their being found guilty, the murderers were not immediately executed, but in consequence of applications from England, the council of Scotland reprieved them for some days; and as some people began even to object, that the evidence was too slight, there being

but one witness to matter of fact, and that but a negro, who was not capable of the impressions of the solemnity of an oath, and there was malice in it, and the like. On these, and on other considerations, the government was so tender of the blood of the men, that it is doubtful if any of them would have undergone capital punishment, but for the rage of the common people, who, hearing that they were further to be reprieved, assembled in an unusual multitude on the day appointed for their execution, crying out for justice.

When that day came, the privy council met, and the magistrates of Edinburgh were called to assist, while the point was debated, whether the condemned persons should be executed or not? The discontent of the common people was very well known; and information had been received that a vast concourse was gathered at that instant in the Parliament-close, at the cross, at the prison, and throughout the whole city; that they publicly threatened the magistrates, and even the council itself, in case the prisoners were not brought out that day; and some talked of pulling down the tollbooth, and executing summary justice on them. It was, however, determined by the council, that three of them—captain Green, John Mather, and James Simpson—who were considered to be principals in the murder, should be put to death that day. When the magistrates came out, they assured the people that the murderers were ordered to be executed, and that if they would have patience, they would see them brought out. This pacified the mob for a moment. But soon afterwards, the council breaking up, the lord chancellor came out, and driving down the street in his coach, as he passed by the cross, somebody said aloud, "The magistrates had but cheated them, and that the council had reprieved the criminals." This was repeated from mouth to mouth, and spread in a moment among the populace, who ran in a fury down the street, stopped the chancellor's coach just at the Trone church, broke the glasses, abused his servants, and forced him out of it. Some friends that were concerned for the hazard he was in, got him into a house, so that he had no personal hurt. It was in vain for

his lordship to protest to them that the men were ordered to be executed; they were then too much excited to listen to reason, and the whole town was in an uproar, and the mob not only of the city, but even from all the adjacent country, was come together. As nothing but the blood of the prisoners could appease them, it was thought necessary to yield, and at last the prisoners were brought out, and led through the streets down to Leith, the place of execution being by the laws appointed there for crimes committed upon the sea. The fury and rage of the people, however, was such as cannot be expressed; and as their victims were dragged along to the place of execution, they were exposed to every sort of insult, taunt, and reviling. They were at last brought to the gibbet, erected at the sea-mark, and there hanged. Strange to say, no sooner was the sacrifice made, and the men dead, but even the same rabble (so fickle is the multitude) exclaimed at their own madness, and openly regretted what they had done, and were ready to tear one another to pieces for the excess. In the whole of this process, all things had been carried on by legal methods, process, and trial, according to the form of law, and usage of Scotland; yet it was made the subject of a new and most violent irritation between the two countries. In Scotland, people said that the court of England wished to protect them, and that they would be pardoned, only because they were Scotsmen that were murdered; with other like imputations. On the other side, in England, it was said, the rabble had cried out to hang them, merely because they were Englishmen; that they had said, they wished they could hang the whole nation so, and that they insulted them, as they went to execution, with the name of English dogs. Mischievous persons laboured to exasperate the common people on both sides, and to fill them with irreconcilable aversions to each other; and we are assured that if in England it had gone a little higher, it would not have been safe for a Scotsman to have walked the streets. This irritation was kept up and increased by numerous handbills and pamphlets, on both sides, filled with the bitterest invective, and strongly tending to alienate the two nations.

CHAPTER XIII.

PARLIAMENT OF 1705; APPOINTMENT OF COMMISSIONERS TO TREAT OF A UNION; THEIR DELIBERATIONS;
THE TREATY CONCLUDED.

THIS unexpected political irritation rendered the existing ministry unpopular, and a change was again found necessary. Tweeddale and his friends were dismissed, to make room for the return of the duke of Queensberry to power, who was made lord privy seal. It was on this occasion that a young statesman was brought upon the stage, who was destined to play an active and distinguished part in subsequent events. Archibald duke of Argyle died on the 28th of September, 1703, and was succeeded in his estates and titles by his eldest son John. This young nobleman, though at this time only twenty-seven years of age, was already distinguished by those great qualities both as a warrior and a statesman which eventually procured him the popular title of the great duke of Argyle. He was especially the favourite of the puritans, and as he had not yet mixed much in the party animosities of the day, he was disliked by no party but that of the rank jacobites, who were aware of his hereditary hatred to the Stuarts. As, therefore, the person most likely to command general respect, he was chosen to represent the queen in the session of parliament which was now about to open. He was instructed to procure an act of the Scottish parliament, settling the protestant succession, or to set on foot a treaty for the union of the two kingdoms. At the opening of the session in June, the members were divided into three parties—the cavaliers or jacobites, the revolutioners, and the *squadron volante* (as it was called), or flying squadron, headed by the marquis of Tweeddale, who disclaimed the other factions, and pretended to act only from the dictates of conscience. The parliament was adjourned to the 3rd of July, when the queen's letter was read, earnestly recommending the settlement of the succession in the protestant line, and an act for a commission to treat of a union between the two kingdoms. Argyle's speech, in recommending the subject of the letter to parliament, was remarkable for its terseness and elegance. He said—"My lords and gentlemen,—Her majesty has, in her most gracious letter, expressed so much tenderness and affection towards this nation,

in assuring you that she will maintain the government as established by law both in church and state, and acquainting you that she has been pleased to give me full power to pass such acts as may be for the good of the nation, that were it not purely to comply with custom, I might be silent. Her majesty has had under her consideration the present circumstances of this kingdom, and out of her extreme concern for its welfare, has been graciously pleased to recommend to you two expedients, to prevent the ruin which does but too plainly threaten us. In the first place, your settling the succession in the protestant line, as what is absolutely and immediately necessary to secure our peace, and cool those heats which have with great industry, and too much success, been fomented among us, and effectually disappoint the designs of all our enemies. In the second place, treating with England, which you yourselves have shown so great an inclination for, that it is not to be supposed it can meet with any opposition. The small part of our funds which were appropriated at our last meeting for the army are now at an end. I believe everybody is satisfied how great use our frigates have been to our trade, and it is fit to acquaint you that our forts are ruinous, and our magazines empty; therefore, I do not suppose but your wisdom will direct you to provide suitable supplies. My lords and gentlemen, I am most sensible of the difficulties that attend this post, and the loss I am at by my want of experience in affairs; but I shall endeavour to make it up by my zeal and firmness in serving her majesty, and the great regard I shall have for whatever may be for the good of my country." The marquis of Annandale proposed that the parliament should at once proceed to the consideration of limitations and conditions of government; and that a committee should be appointed to inquire into the condition of the coin and into the commerce of the nation. The earl of Mar moved, that the house would, preferable to all other business, consider the means for engaging in a treaty with England. After a long debate they resolved to proceed on the coin

and the commerce. Schemes for supplying the nation with money by a paper credit were presented by doctor Hugh Chamberlayne and John Law, but rejected. The house resolved, that any kind of paper credit, by the circulation of bills, was an improper and dangerous expedient; and appointed a council to put the laws relating to trade in execution. The duke of Hamilton proposed that the parliament should not proceed to the nomination of a successor, until the treaty with England should be discussed, and the limitations settled. This proposal being approved, a draft of an answer to her majesty's letter was presented by the marquis of Tweeddale; in which the estates pledged themselves to choose the same successor with England, provided the limitations were granted. The squadrone (as it was called) was left on this occasion to vote by itself, for the jacobites, who were opposed to all restrictions whatever on the power of the crown, would not join with them in the opposition. Two different forms of an act for a treaty with England were offered by the earl of Mar and the marquis of Lothian: others were produced concerning the elections of officers of state, and the regulation of commerce.

The grand object of the cavaliers was now to obstruct the settlement of the succession; and with that view they pressed the project of limitations, to which they knew the court would never assent, or, if this measure passed, they were willing, should the house of Hanover be established, to load the crown with as many restrictions and difficulties as possible. On the motion for the first reading of an act of commission for a treaty with England, the duke of Hamilton insisted on the limitations, and a vote being stated in these terms, "Proceed to consider the act for a treaty of limitation," it was carried in favour of the cavaliers. On the 22nd of August, an act for this purpose was approved; and next day an act for a triennial parliament, which the courtiers were enabled to defeat. An act was likewise passed, ordaining, that the Scottish ambassadors representing Scotland, should be present when the sovereign might have occasion to treat with foreign princes and states, and be accountable to the parliament of Scotland.

Fletcher of Saltoun was, as usual, active in urging restrictions upon the crown, based upon the circumstance of the king being monarch of another kingdom and residing

out of Scotland, but which would have had the effect of making Scotland virtually a republic. He proposed that there should be annual parliaments, which were to sit and adjourn at pleasure, to choose their own presidents, and to vote by ballot; that for every nobleman created by the king, a new commissioner should be added for the barons, which would entirely neutralise the influence of the crown in parliament; that the king should ratify every act passed by parliament, without hesitation, as a matter of course; that he should not have the power of peace or war without the consent of parliament; and that it should not be in his power to give any general indemnity to his ministers without the sanction of parliament. He proposed to exclude the judges from seats in parliament, and to arm and train the people as a constitutional force to act under the orders of the estates. In the course of one of his usual eloquent addresses, he enlarged upon every article, endeavouring to prove that they were all absolutely necessary to prevent the consequences of English influence; to enable the nation to defend its rights and liberties; to deter ministers of state from giving bad advice to their sovereign; to preserve the courts of judicature from corruption, and screen the people from tyranny and oppression. The earl of Stair argued against these limitations, to which Fletcher replied, with bitter sarcasm: "It was no wonder he opposed the scheme; for, had such an act subsisted, his lordship would have been hanged for the bad counsel he had given to king James, for the concern he had in the massacre of Glencoe, and for his conduct since the revolution." The next subject on which the parliament deliberated was the conspiracy. A motion being made that the house might be informed what answer the queen had returned to their address in the last session, the chancellor delivered to the clerk-register the papers relating to the plot, that they might be perused by the members; but these being copies, and the evidences remaining at London, no further progress was made in the affair. Yet the duke of Athol, in a distinct narrative, boldly accused the duke of Queensberry of having endeavoured to mislead the queen by false insinuations against her good subjects.

One of the most important measures brought forward in this session was the act for a treaty of union between the two coun-

tries. A draft for that purpose, presented by the earl of Mar, was compared with the English act, importing that the queen should name and appoint not only the commissioners for England, but likewise those for Scotland. Fletcher inveighed with earnestness against the imperious conduct of the English parliament in this affair. He exhorted the house to resent such treatment, and offered the draft of an address to her majesty on the subject; but this was rejected. Hamilton proposed that a clause might be added to the act, importing that the union should not derogate from any fundamental laws, ancient privileges, offices, rights, liberties, and dignities of the Scottish nation. This occasioned a long debate; and the question being put, was negatived. The ministerial party were obliged to oppose Hamilton's motion with evasive arguments; they urged that, as Scotland and England were under the same sovereign, who acted as mediator between them, and as the English parliament had given the most ample powers to their commissioners, a contrary proceeding on the part of the Scots would betray an unbecoming jealousy of the queen, and might altogether prevent the treaty. Moreover, whatever powers the commissioners had, or by whomsoever appointed, whatever they agreed upon was subject to the approbation of parliament. The opposition, who dared not avow that their real object was to obstruct and if possible prevent a union, were obliged also to have recourse to much special pleading in support of their arguments. They, however, made certain of a majority, which would have been a severe defeat to the government; but they were deserted by the earl of Aberdeen, and the absence of some of the jacobites, who were too confident of a large majority, led to their defeat. Another clause was proposed by the duke of Athol, that the Scottish commissioners should not begin to treat until the English parliament had rescinded their clause, enacting, that the subjects of Scotland should be adjudged and taken as aliens after the 25th day of December. The courtiers, considering the temper of the house, would not venture to oppose this motion directly, but proposed that the clause should be formed into a separate act; and this was agreed to. Though the duke of Athol entered a vigorous protest, to which the greater part of the cavaliers and all the squadrone adhered—comprehending four-and-twenty peers, seven-and-thirty barons,

and eighteen boroughs—the act for the treaty of union was, after much altercation, finished, empowering commissioners to meet and treat of a union; but restraining them from treating of any alterations of the church government as by law established. Whilst this important subject was under consideration, the duke of Hamilton, to the astonishment of his whole party, moved that the nomination of the commissioners should be left to the queen. Fourteen or fifteen of the cavaliers ran out of the house in a transport of indignation, exclaiming that they were deserted and basely betrayed by the duke of Hamilton. A very hot debate ensued, in the course of which the duke was severely attacked by those whose leader he had hitherto been; but at length, the question being put—whether the nomination should be left to the queen or to the parliament?—the duke's motion was carried by a very small majority. He afterwards excused himself for his defection, by saying, he saw it was in vain to contend; and that since the court had acquired a great majority, he thought he might be allowed to pay that compliment to his sovereign. This important act having thus been obtained, and a liberal supply granted, the duke of Argyle prorogued the parliament on the 21st of September.

After the close of the session, some slight changes were found necessary in the Scottish ministry. The earl of Annandale, who was suspected of secretly corresponding with the opposition, was dismissed from the office of secretary, which was bestowed upon the earl of Mar. The principal members of the government now hastened to London, where the conferences on the all-important measure of the union were to be held. There a ministerial revolution had also taken place, and all the power was now in the hands of the whigs, who were the grand promoters of this measure. Before we proceed to give an account of the conferences which followed, it may be well to take a glance at the feelings of the time in regard to the policy of the measure; and this can hardly be done better than in the words of its contemporary historian, Defoe, who has left us the following summary:—

“And here,” he remarks, “it is necessary to observe, how well the ground-plot of this work was laid, that all obstacles might be removed which might threaten it with another abortion. It had been noted, that the most dangerous rock of difference on

which this union could split, and which could now render it ineffectual, was that of religion: here it was certain they could never unite, and the breach therefore being irreconcilable, the best course that could be taken with it, was to let it quite alone, as a thing neither side should meddle with at all, and consequently the jealousies and suspicions on both sides must vanish, and the great obstructions which the enemies of the treaty relied on for its miscarriage were at once removed. This was a masterpiece of policy, and showed that her majesty had other persons to consult with, and had taken other measures than before; and gave people very early impressions of the success which has since appeared. But there was yet some political difficulty to pass; and here, being to tread truth almost on the heels, those readers that are willing to have it told plainest must excuse me for naming people's names. I have avoided, on all occasions, the mixing satire and reflection in this relation as much as possible. The political difficulties I speak of here, and which I think gave the greatest shock to this affair, consist of two parts,—1. Succession; 2. Nobility.

“The vehemence with which the several parties who managed these topics acted their respective and exceedingly remote prospects, and by what strange mystery concurring providence, like the wheel within all their wheels, centred them all, in uniting the nations, as it is a secret history few understood, and may be as necessary as diverting, so the heads of it may be viewed in the following scheme:—1. The succession being the main thing that lay at the bottom of every one's project, I shall first speak to the particulars of that. There was a party in both kingdoms, but most powerful in Scotland, whose design was principally and directly against the protestant succession, as such; these we must allow to be setting every wheel at work, and acting with all their power and policy against everything which looked that way. When they saw it convenient, they acted against a union in its general term, and frequently some of the less politic of that party let fall the excrescence of their principles in direct terms, and pamphlets were written upon that scheme; such as one showing the necessities of a war with England, &c., another showing the advantages of a union with other nations, and France in particular; others argued continually the mighty terms, and the ad-

vantages of commerce, Scotland might obtain from France; and not only proposed them as equivalent to the trade with England, but run on to such weak extremes, as to say that Scotland made no advantage of her commerce with England.

“But these may well be said to be the less politic part of these gentlemen, who were in the design above; for they lost ground, even against the union itself, by it; and when the committee of parliament appointed to examine the exports and imports, reported that Scotland exported to England above two hundred thousand pounds sterling per annum in linen, cattle, &c., the imports from thence appeared so small, that the objectors dropped their arguments upon that head, and learned to talk with more caution. But the more subtle managers of this design against the succession, went on by different measures, and with great policy they acted every party, as far as they thought they could be brought in to be subservient to their design. Thus first seeming to quit their direct opposition to the succession, as a thing too open and too much clashing with the temper of the time, they fall in with that party who were for the succession with limitations; not that they would have concurred with the event, had these limitations been never so great, but that, in their debating the limitations, they might find room to clog the succession itself in such manner as the other party could by no means accept of it.

“From the same principle proceeded that famous resolve in their act of security, by which the succession met with two invincible obstacles, from whence they knew, some time or other, new disputes must arise—1. That no successor at all should be named till after the queen. 2. That when it was named, it should be with this limitation—that it should not be the same that should succeed to the kingdom of England. This was a masterpiece of policy, and had the most specious pretence in the world, viz., the hardships which Scotland had suffered under the influence of England in matters of commerce and sovereignty; and therefore it was added immediately upon the said clause, ‘Unless that in this present session of parliament, or any other session of this or any ensuing parliament, there be such conditions of government settled and enacted, as may secure the honour and sovereignty of this crown and kingdom; the freedom, frequency, and power of parlia-

ment; the religion, liberty, and trade of the nation, from English or any foreign influence.' The running things to this height in Scotland, put every party's measures to a full stop; the gentlemen who were against the succession in general, and of whom I am now treating, had most effectually carried their point; for as they presumed England could never come in to such a treaty as they demanded, so they had effectually foreclosed the succession of Hanover, by determining that the successor of England and Scotland should not be the same. And it is remarkable to note here, how universally all those gentlemen, whose aim was against the succession, fell in with those whose design was only to have advantageous terms from England for it. But this very point gained, brought about the main work; and the contraries that concurred in this act, though from clashing interests, by the strange circulation of causes, worked all together into another extreme, which none of them designed—and that was the union.

"Upon the passing the act of security, England grew very uneasy; and not to mention the common apprehensions of the people, nor how and by whom they were increased and fomented, the act of parliament passed, intituled, 'An act to prevent the dangers arising from the act of security in Scotland,' &c., is a demonstration of what the tendency of these things would be; for this act brought both nations under the necessity of a war by the Christmas following; the English being then obliged to fit out a fleet to interrupt the Scots commerce, if their act of security was not repealed. Things being brought to this extremity, the only remedy that those who wished well to both nations could contrive, was to revive a treaty of union, and set heartily about it; and the first step the queen took towards it, was to propose it to the Scots parliament, who voted,—that they could enter into no treaty of union, till that act of parliament mentioned above was repealed in England. Though this was a very bold resolve, yet the queen, who saw some reasonableness in it, managed things with so much wisdom and moderation, and the parliament, who saw with different eyes from the other, and was of quite a different temper, found something so severe and so hard upon Scotland in that act of parliament, that they made no difficulty to make that step in advance to Scotland. Upon this foot turned the first appearance of the union; now let us see

how the parties managed themselves on all sides.

"The inclination on both sides to a union, however afterwards managed, seemed so universal, that the party I am speaking of, thought it was not proper to appear against it directly; but acting still under disguise, they puzzled the cause, first, with the wild debate of a federal union, or a union partial and imperfect; and thus they fell in with the party who were for the union, not that they had the union in their design, but because they thought the thing impracticable in itself, that it would make the people sceptic in government, and that so it would certainly miscarry, and the succession would be lost that way. Accordingly the limitations were by secret influence opposed, and the scheme of succession laid aside to go upon the chimera of a union, as they thought it to be; and I could be very merry with some gentlemen here, upon the banters and jests they always treated the scheme of a union with, as a thing they little thought would ever be licked into any shape, or ever obtain upon the nations to pass into a law. Thus I have brought the remotest party, who were downright enemies of the union, to fall into it; from whence, let their design be what it will, I must tell them, they did it this service—that it made the union very popular, however it came to be otherwise afterward.

"I come next to the difficulty about nobility; and this worked into a union, by, as it were, a natural consequence; for the ancient nobility finding their sway with the people lessened, and their power, as well as their honour, eclipsed by the crown daily creating numbers of what they called upstart lords, were easily engaged [in limitations to prevent their future monarch's increasing the numbers of their rank, to the diminution, as they took it, of the ancient families. But when they came to consider the scheme of distinction made for the representing the nobility in a British parliament, they were the more easily brought into the union, as an effectual step to prevent the reducing their honour, by multiplying their numbers, and as a thing which would seem to distinguish them from such of the modern nobility, which they reckoned already a burthen to them.

"Next, among the whig interest, and who were really honest in their designs for the general good, were yet two parties. One party, without reflection on any, had taken

a just umbrage at the growing power of a certain great man; and as they had reason to ward off personal resentments, in case their figure was diminished, and having their true interest in view, together with the public good, esteemed it their good fortune to have them both stand upon one bottom; and these gentlemen came heartily and honestly into the measures of the union. Another party were for the succession limited, &c., but not for the union; these brought the former first to them, thinking they would rather be for the succession, and lay by the thoughts of the union; but finding them entirely for the union, they fell in together. The view of the court in England was plain, viz., for the succession at any rate; and therefore, till this juncture, they had espoused that party in Scotland who were for the succession, though with limitations; and this the more easily brought those gentlemen into the union, since there they secured the succession, and had the English limitations confirmed, which they knew and acknowledged were better than their own. Thus the two whig parties joined, and the duke of Queensberry, who had, in concert with her majesty and the English court, removed all the seeming difficulties on the part of Scotland, appearing publicly for it, the union, as I have already noted, grew very popular; the court and the whig lords concurred in the general good, the jacobite interest was abandoned, and the union grew up between all the extremes as a consequence; and it was merely formed by the nature of things, rather than by the designs of the parties.

"Things being brought to this pass, the acts of parliament passed, and the queen empowered to name commissioners, I shall pursue the proceedings in order as they lie before me, and make the needful observations as I go. They that had so wisely contrived the beginning of this work, could not be at a loss to find out proper persons for the managing the treaty in both kingdoms, and therefore it was not long before her majesty named the commissioners for both kingdoms, whose names we shall presently come to. I shall not descend to encomiums on the persons of the treaters, for I am not about to write panegyrics here, but an impartial and unbiassed history of fact. But since the gentlemen have been ill-treated, especially in Scotland, upon this very head, charged with strange things, and exposed in print by some who had nothing but their

aversion to the treaty to move them to maltreat them, I must be allowed on all occasions to do them justice in the process of this story. And as I must own, that, generally speaking, they were persons of the greatest probity, the best characters, and the steadiest adherence to the true interest of their country, so their abilities will appear in every step taken in so great a work, the bringing it to so short a conclusion, and that in so little time, the reducing it to so concise a form, and so fixing it, that when all the obstruction imaginable was made to it afterwards in the parliament of Scotland, the mountains of objection which at first amused the world, proved such mole-hills, were so easily removed, raised so much noise, and amounted to so little in substance, that after all was granted that in reason could be demanded, the amendments were so few, and of so little weight, that there was not one thing material enough to obtain a negative in the English parliament.

"I cannot but observe here, that even those amendments were not made by reason of any omission in the treaters; but the parliament found the opposing party to the succession had two handles to lay hold on in Scotland, and therefore in prudence gave way to such amendments as they had the least reason to justify. These two heads, which I call handles against the succession, were—1. Strength of party, by which they hoped to carry it at once, and throw out the treaty *brevi manu*; and this they endeavoured to form upon a general dislike, they having blackened it with the mark of a thing dishonourable to the sovereignty and the independence of the nation. 2. If they found that would not do, then to load it with such ridiculous amendments, as they knew would cause it to miscarry in the English parliament, which they also thought would give Scotland great advantage, and increase the animosities in Scotland against the English, when the rupture should appear to be from England, and the most reasonable concessions of Scotland be rejected by them. But both these projects failed them; the first was effectually answered by the nature of the thing, and their strength failing them, they found they had cast up their account false, their motion being thrown out by a great majority in voting the first article, as will appear presently. The second, when they came to examine particulars, had not sufficient strength of reason to support it; all the amendments

they could pretend to were so small, that, as above, the parliament of England never thought it worth their while to dispute them; and the treaters themselves, for the most part, went into those amendments as they were offered.

"Indeed, this was a disappointment to some people, who made no question, at least, to puzzle the cause, and raise such difficulties as should require a remitting the treaty back to Scotland; and so spin it out in length, that the nations might have leisure to form the separate parties into some order, and raising their friends on both sides, if possible, bring it to a breach. And that I do not pass an unjust censure, I refer the reader, among infinite pamphlets published against this affair, to one very plain and barefaced author mentioned before, intitled, *The Necessity of a War with England, in order to cure the present Distempers of the Times*. I should do the fomenters of the nation's divisions too much credit to trouble the reader of this with any of their printed oratory against this union, much less enter into any disquisitions upon the subject of their clamours; but I may, perhaps, touch upon the principal heads of their objections, and let the world know also who were some of the objectors.

"When the acts were thus passed, and her majesty had named commissioners on both sides, and the work seemed to be going about in earnest, the learned scribblers of the age began to harass the world with their schemes, and all the mountebank statesmen of the times set to work to propose their wondrous methods for curing this ancient distemper of the nations, and striving to have it said of themselves, who was forwardest in the great work. The industry they discovered, had in nothing a greater concurrence than in this—that the whole crowd of writers, with an universal agreement, had the honour to be entirely mistaken, and not one of them had eyes to see to the true interest of the nations; every man, as in such cases is usual, eyed the respective interests or advantages, as he thought, of the nation to which he belonged, and set himself to work to answer the objections of the other; defending, arguing, and fatiguing their own heads and their readers with the confused labyrinths of their own projects; but not once touching the true string which, with a national unison, would have immediately sounded out the harmony of general peace. Nor

am I at all arrogant in saying, they were all so generally mistaken in their notions of what this union should be, since, as I have said, every one fell to arguing the single and separate advantages of the nation they belonged to; insisting on their politic notions and wise schemes for their respective advantages; but not one that I met with ever entered into the true and only notion essential to the union—I mean the principle of self-denial, how far either nation was to condescend and advance to one another, how the present union consisted, not in gaining advantages on either hand of one and other, but in abatements, in giving each other advantages, in yielding up privileges, opening the treasures and strength of either nation to the good and benefit of the whole. They never dreamed that to unite was, in itself, a full and a general retribution for every step taken from one side to the other; that a new national interest was to be erected; and that giving or conceding rights, advantages, and interests, whether in commerce or in privileges, was losing nothing at all, but was like a man giving presents to a lady whom he designs to make his wife, which is but taking his money out of one pocket and putting it into another, or like a man settling his estate in jointure on his wife, which is still his own, and is effectually secured for his posterity.

"The gentlemen must pardon me if I tell them, that for want of this true and original notion of union, they took but too much pains to inform us all, they had neither the spirit of union in their minds nor the knowledge of it in their heads, and this run them upon wild dilemmas and dark schemes of federations and confederations; this sent them to Belgia, Helvetia, Polonia, and I know not whither, for examples, for schemes, precedents, and I know not what strange systems of national unions, all which, I must take the liberty to say, were as wide from the only step that could make these nations happy, as the east is from the west, tended to nothing but confusion of interests, national jealousies, and in the end war and destruction. These gentlemen were for making bargains between the nations, not for bringing two great and mighty kingdoms into one vast united body—the same in interest, the same in prospect, the same in every substantial constituting part. The advocates of either people talked like counsellors pleading for their clients, not like two friends that were striving who should

part with most, for the interest and engagement of the love of each other.

"In short, the union has been brought to pass, not by gaining from, but by yielding to one another; not by making conditions and advantages of one another, but by conceding to one another: one part opens the treasures of their trade, the other struggles to bear their share of the weight and burden of expensive and bloody wars; this part yields up one thing, that abates another, and mutual condescensions, not mutual encroachments, have brought this work to pass. And here lies the great mystery of the union; they that think strange of the circumlocutions the wisest heads have taken, may find them here; they that enquire into the reasons of former miscarriages, may find them all here. If there was any want of temper, any mutual distrusts, any secret murmurs of parties, any jealousies of consequences, it was all to be found here; that the people who debated these points never looked beyond the present state, never considered the conjunct capacity of the nations, never drew the balance of interests, or stated the affairs of both nations into one account current. Had they ever done this, they would have seen that monster (as they called the union) a most beautiful creature, admirable in its contexture, agreeable in its figure, squared like a most exquisite piece of architecture, both for ornament, strength, and usefulness; they would have seen it a complete circle, all the lines of which were drawn from and depended upon one general centre—the public good;—a mighty arch, every stone of which mutually contributed, not to its private support only, but to the strength of the whole. Here is the true original of the union, and the wisdom of the treaters on both sides was in nothing more conspicuous than that they came to this treaty furnished with the true notions of what they were to do, and, consequently, the properest and only method for the doing it could not be concealed from them; and we cannot but observe, that, through all the course of the treaty, the gentlemen kept themselves close to this principle—to yield to one another in everything which the nature of the union they aimed at required, and the nature of the thing before them would possibly permit.

"I must confess, to me, all the notions of federal unions, guarantees, and everlasting peace, which our several writers filled our heads with while the treaty was appointed, but not yet begun, appeared to me as imper-

fect embryos, false conceptions, and births that must end in abortions and disappointments. I will not say I had foresight of events enough to prescribe what methods should be taken, or what issue would be produced from the treaty then in view; but this I took the freedom always to tell the world—that it must be a general, complete, entire, and indissoluble union of interests and parties, depending upon equalities of privileges, and equalities of burdens; equalities of prospects, and equalities (if possible) in desires; or that it would be imperfect in its parts, and confused in its whole.

"I know one reason why this sort of union was less thought on than perhaps it would have been, was because the gentlemen, when they came to examine what had ever been attempted this way, found nothing of a full and entire union but that under the conquest of the parliament times;—and, alas! says one, this must be rendered so odious, because it was the work of a tyrant, an usurper, and what not, that nobody could bear to recommend it; and if at any time a man was driven by the necessity of his judgment, the convictions of his reason, and the consequences of argument, to come to the borders of that scheme, he would start at the hint as if it had been a spectrum, and fly even from his own reason, because it concurred with what was hit upon by the man and the people he did not approve. And why will you go by Whitehall, gentlemen, where so many wicked rebels triumphed over their monarch? Why will you use the navy, nay, some of the very ships, with which the same Oliver Cromwell beat your neighbours? If Oliver had not been a master of politics, he had never been Oliver Cromwell in the terms we are now talking of him; and because he hit upon the only step that could be taken to fix the union of the two nations, must we reject it, and rather destroy the kingdoms, than close with his unhallowed method? Reason and the nature of things guide all men, whose eyes are open, to the same methods, when they are pursuing the same designs. Let Oliver Cromwell be what he will, and who he will, it is no part of my business here: take him in all the blackest figures he can be represented;—what was the end he pursued in his uniting Scotland to England? It was so to join them, that both parties being made entirely easy, might, without hesitation, submit themselves to his otherwise precarious authority. And was he right in

this—that, to give the two nations a free and full communication both of trade, privileges, and advantages, was the true and only way to make all people easy? So far his project may be good for us, without so much as touching upon the parallel. The business of the union was to make the nations easy, to put them in a state of mutual advantage; if forty tyrants have pursued the method for it, though with wicked designs, it was for us to take the method, and mend the design as much as we could. Oliver Cromwell made a conquest of Scotland;—well, and what then? Let those people who have talked so much of a union of subjection, and conquering Scotland, go back thither for a precedent. — Oliver Cromwell knew as well what belonged to conquest as anybody in this age will pretend to; nor was he less politic in keeping, than terrible in obtaining; and what did he resolve all his northern conquest into? Nothing but union—the best concerted, the best executed, the best approved that ever this island saw till now; nor could all the heads in christendom have formed the present happy union, but from the schemes of those times. If ever nation gained by being conquered, it was here: they were subdued first; and then made happy; and Scotland flourished; justice had its uninterrupted course; trade increased; money plentifully flowed in;—and all under what they called tyranny and usurpation—all under a standing-army government, and with all the disadvantages that can be imagined from such a constitution as tended to subjection, not liberty; poverty and misery, not peace and plenty. And what was the foundation of all this? Nothing but the natural product of common reasoning: he found that the only way to preserve the conquest he had made on the powers of the nations was to make a conquest of their affections; that the only way to do this, was to let them see their interest and happiness in his government; and that this could only be brought to pass by uniting and entirely incorporating the nations into one; communicating peace, privileges, and all possible advantages to them; and thereby letting them see the true way to their prosperity. No man will say this was not the most politic step he could take; and must we condemn the method because we cannot be reconciled to the man? Certainly if union and incorporation of interests were able to make the nation happy, under a

standing army, and an absolute government as that was (things, in their nature, inconsistent with liberty and national prosperity), it must be much more capable under a just and limited government, where law governs the very actions of the sovereign, and all the branches of power are squared by, and sincerely employed for the public good: and it can be no lessening the value of any true scheme of national management, that a person used or contrived it, that we call a tyrant or an usurper. Let him be ever so much a tyrant, he showed he had the true spirit of government in him by this—that he knew the only way to make his government safe was to make it easy; and to have the people quiet, was to make them happy; and this he did by union, an entire incorporated union;—and the event proved his measures were rightly taken. Our end is now the same, though our views are different; to make the people happy is the end: if union be the way, why is it to be liked the worse, because Oliver Cromwell drew the scheme?"

In the month of March, 1706, the queen appointed the commissioners for both kingdoms, thirty-one for each, and directed that they should hold their meetings in London. The commissioners for Scotland were:—James, earl of Seafield, lord chancellor; James, duke of Queensberry, lord privy seal; John, earl of Mar, and Hugh, earl of Loudon, secretaries of state; John, earl of Sutherland; James, earl of Morton; David, earl of Wemyss; David, earl of Leven; John, earl of Stair; Archibald, earl of Roseberry; David, earl of Glasgow, the treasurer depute; lord Archibald Campbell, brother-german to the duke of Argyle; Thomas, lord viscount Duplin; William, lord Ross, one of the commissioners of treasury; sir Hugh Dalrymple, lord president of session; Adam Cockburn of Ormeston, lord justice-clerk; sir Robert Dundas of Arniston, one of the senators of the college of justice; Mr. Robert Stuart of Tillicultrie, one of the senators of the college of justice; Mr. Francis Montgomery, one of the commissioners of the treasury; sir David Dalrymple, solicitor; sir Alexander Ogilvie of Forglen, general receiver; sir Patrick Johnston, lord provost of Edinburgh; sir James Smollet of Bonhill; George Lockhart of Carnwath; William Morison of Prestongrange; Alexander Grant, the younger, of that ilk; William Seton, the younger, of Pitmedden; John Clerk, the younger, of

Pennicuik; Hugh Montgomery, late provost of Glasgow; Daniel Stuart, brother-german to the laird of Castlemilk; and Daniel Campbell of Ardentennie. The duke of Argyle had proposed the duke of Hamilton as a commissioner, at that nobleman's request; but when he found the objection to him could not be overcome, he declined being on the commission himself, and appears to have expressed some discontent on the subject. The commissioners for England were:—Thomas, archbishop of Canterbury; William Cooper, esquire, lord keeper; John, archbishop of York; Sidney, lord Godolphin, lord high treasurer; Thomas, earl of Pembroke and Montgomery, lord president of the council; John, duke of Newcastle, lord privy seal; William, duke of Devonshire, steward of the household; Charles, duke of Somerset, master of the horse; Charles, duke of Bolton; Charles, earl of Sunderland; Evelin, earl of Kingston; Charles, earl of Carlisle; Edward, earl of Orford; Charles, lord viscount Townsend; Thomas, lord Wharton; Ralph, lord Grey; John, lord Powlet; John, lord Somers; Charles, lord Halifax; John Smith, esquire, speaker of the house of commons; William, marquis of Hartington; John, marquis of Granby; sir Charles Hedges, knight, and Robert Harley, esquire, secretaries of state; Henry Boyle, chancellor and under-treasurer of the exchequer; sir John Holt, knight, chief justice of the court of queen's bench; sir Thomas Trevor, knight, chief justice of the court of common pleas; sir Edward Northey, knight, attorney-general; sir Simon Harcourt, knight, solicitor-general; sir John Cook, doctor of laws, advocate-general; and Stephen Waller, doctor of laws.

All the preliminaries having thus been settled, the commissioners held their first meeting at the council chamber in the Cockpit at Westminster, on Tuesday, the 16th of April, when the lord keeper of the great seal of England, addressing himself to the lords commissioners for Scotland, spoke as follows:—"My lords,—We the commissioners appointed by her majesty, and authorised by the parliament of England, to consult and treat with your lordships, as empowered in like manner by her majesty and the parliament of Scotland, concerning a union of the two kingdoms, and such other things as we the commissioners on both parts shall think convenient and necessary for the honour of her majesty, and the common good of both

kingdoms, do apprehend there never was (in any assembly of this nature) so little occasion, as at present, for the commissioners of England to give any verbal assurances of their zeal to promote and complete, so far as in their power, the great and good design we are met about; since it cannot be doubted but that we bring along with us the same sentiments which so lately appeared in the parliament of England, when they took care to manifest by a solemn act that they did postpone all other considerations to their evidencing a good and friendly disposition towards the kingdom of Scotland. The parliament of England, in making that unexpected advance, seemed resolved, if possible, to attain that union which had been so long thought necessary by all that wish well to the prosperity of both nations. And we most sincerely assure your lordships, that we accordingly meet your lordships with hearts fully resolved to use our utmost endeavours to remove all difficulties in this treaty, to prevent all misunderstandings, to cherish and improve the good dispositions to one another we meet with, to have the general and joint good of both kingdoms solely in our view, and not the separate of either; but to act as if we were already united in interest, and had nothing left to consider but what settlements and provisions are most likely to conduce to the common safety and happiness of this whole island of Great Britain. Which measures, if pursued on both parts, we hope may enable us to prepare such terms of union as may prove satisfactory to her majesty and the parliaments of both kingdoms."

The earl of Seafield, on the part of the commissioners for Scotland, made the following reply:—"My lords,—The lords commissioners for Scotland have desired me to assure your lordships, that they meet you on this occasion with great willingness and satisfaction, to treat of a union between the two kingdoms, and of such other matters and concerns as may be for her majesty's honour and the maintaining a good understand between the two nations. We are convinced that a union will be of great advantage to both; the protestant religion will be thereby the more firmly secured, the designs of our enemies effectually disappointed, and the riches and trade of the whole island advanced. This union has been often endeavoured, both before and since the kingdoms were united in allegiance under one sovereign, and several

treaties have been set on foot for that end, though without the desired success; but now we are hopeful that this shall be the happy opportunity of accomplishing it: her majesty hath frequently signified her good inclinations towards it; and we are the more encouraged to expect success in this treaty by the good disposition apparent in the parliament of Scotland for it, and by the friendly proceedings in the last session of the parliament of England, which gave general satisfaction. We have great confidence in your lordships' good intentions, and we shall be ready, on our parts, to enter into such measures with you as may bring the treaty to such a conclusion as may be acceptable to her majesty and to the parliaments of both kingdoms."

When the commissioners met again (on the 22nd of April), after some regulations for their proceedings had been agreed to, the lord keeper, in the name of the lords commissioners for England, delivered the following proposal:—"That the two kingdoms of England and Scotland be for ever united into one kingdom by the name of Great Britain; that the united kingdom of Great Britain be represented by one and the same parliament; and that the succession to the monarchy of the united kingdom of Great Britain, in case of failure of heirs of her majesty's body, be according to the limitations mentioned in an act of parliament made in England in the twelfth and thirteenth year of the reign of the late king William, intituled, 'An act for the further limitation of the crown, and the better securing the rights and liberties of the subjects.'"

In Scotland there was a prejudice in favour of a federal union, rather than an incorporating union, and the Scottish commissioners, well aware of this, whatever may have been their own sentiments, thought it necessary at least to raise some difficulty on the subject. They accordingly, at the next meeting (on the 24th of April), presented the following counter-proposal:—"1. That the succession to the crown of Scotland, in case of failure of heirs of her majesty's body, shall be established upon the same persons mentioned in an act of parliament made in England in the twelfth and thirteenth year of the reign of the late king William, intituled, 'An act for the further limitation of the crown, and the better securing of the rights and liberties of the subjects.' 2. That the subjects of

Scotland shall for ever enjoy all rights and privileges as natives of England in England, and the dominions thereunto belonging; and reciprocally, that the subjects of England shall enjoy the like rights and privileges in Scotland. 3. That there be free communication and intercourse of trade and navigation between the two kingdoms, and plantations thereunto belonging, under such regulations as in the progress of this treaty shall be found most for the advantages of both kingdoms. 4. That all laws and statutes in either kingdom, contrary to the terms of this union, be repealed." To this the English commissioners replied:—"The lords commissioners for England are so fully convinced that nothing but an entire union of the two kingdoms will settle perfect and lasting friendship between them, that they therefore think fit to decline entering into any further consideration of the proposal now made by the lords commissioners for Scotland, as not tending to that end and desire; that the lords commissioners for Scotland would be pleased to give in their answer to the proposals delivered on Monday, the 22nd instant, by the lords commissioners for England, in order to an entire union of both kingdoms." Upon this the meeting was adjourned until the following day, when the Scottish commissioners, having duly deliberated, returned with the following answer to the proposal of the English commissioners:—

"The lords commissioners for Scotland have considered the proposal given in to them by the lords commissioners for England, on Monday, the 22nd instant, and do agree, that the two kingdoms of Scotland and England be for ever united into one kingdom, by the name of Great Britain; that the united kingdom of Great Britain be represented by one and the same parliament, and that the succession to the monarchy of the kingdom of Great Britain (in case of failure of heirs of her majesty's body) shall descend upon the most excellent princess Sophia, electress and duchess-dowager of Hanover, and remain to her and the heirs of her body (being protestants), to whom the succession to the crown of England is provided, by an act made in the twelfth and thirteenth year of the reign of the late king William, intituled, 'An act for the further limitation of the crown, and the better securing the rights and liberties of the subjects, and excluding all papists, and who shall marry papists, in the terms of the

said act;’ with this provision, ‘That all the subjects of the united kingdom of Great Britain shall have full freedom and intercourse of trade and navigation, to and from any part or place within the said united kingdom, and plantations thereunto belonging; and there be a communication of all other privileges and advantages which do or may belong to the subjects of either kingdom.’” The lords commissioners for England withdrew to deliberate, and on their return, the lord keeper, in the name of the lords commissioners for England, delivered the following reply:—

“The lords commissioners for England are of opinion, that the provision added by the lords commissioners for Scotland to the proposal made by the lords commissioners for England, upon the 22nd instant, is a necessary consequence for an entire union; and therefore their lordships do agree to the said provision, under such terms as in the further progress of this treaty shall be found to be for the common advantage of both kingdoms.”

The Scots having yielded on this point, the grand question of the character of the union might be considered as settled, and the commissioners proceeded to enter upon the details of the measure. The chief difficulty lay in the equalising or proportioning the burthens of the two countries, one of which was rich with what was then considered a heavy debt, while the other was poor but unincumbered. On the 29th of April, it was proposed by the English commissioners, that there should be the same customs, excises, and all other taxes, and the same prohibitions, restrictions, and regulations of trade throughout the united kingdom of Great Britain. To this the commissioners for Scotland replied, that the proposal contained so many particulars, that they felt it necessary to suggest the appointment of a committee of an equal number of each party, to consider them; and they required that the English commissioners would order an account of the taxes and other things to be laid before the committee, as the commissioners for Scotland would be ready to do on their parts. To both these proposals the English commissioners assented, and on the 1st of May the committee was appointed, to consist of eleven commissioners on each side. They were, on the part of Scotland, the lord chancellor, the duke of Queensberry, the earls of Mar, Loudon, Sutherland, Leven,

and Stair, the lord Duplin, the lord president of session, the lord justice-clerk, and sir Patrick Johnston; on the part of England, the dukes of Somerset and Bolton, the earl of Sutherland, the lords Townsend, Wharton, and Somers, the speaker of the house of commons, the marquis of Hartington, Mr. secretary Harley, Henry Boyle, and sir Simon Harcourt.

After the various accounts relating to the burthens, &c., of the two kingdoms had been laid before this committee, the Scottish commissioners, on the 9th of May, gave in a written statement, to the effect that they were willing to agree that all parts of the united kingdom of Great Britain should be under the same regulations, prohibitions, and restrictions, and liable to equal impositions and duties for export and import; but as several of the funds relating to the customs were already appropriated for the payment of debts properly belonging to England, they proposed that an equivalent should be allowed for them. They further agreed, that all the subjects of the united kingdom should be liable to equal land taxes, or taxes upon the pound-rent, providing the proportion for Scotland should only be twelve thousand pounds when one shilling was imposed on the pound-rent on England; so that forty-eight thousand pounds in Scotland should be reckoned equal to the four-shilling aid then imposed on England, and so proportionable, and to be raised in the same manner then used in Scotland, and free of all charges. They reserved the private rights of corporations and companies to be considered in the course of the treaty; but they insisted that neither of the kingdoms should be burthened with the debts of the other contracted before the union.

The greatest difficulty was anticipated in coming to any arrangement on the important questions involved in the debates of this day; and many who were most concerned for the success of the measure, seemed for a moment to despair of it. The state of the affairs of either nation was as follows:—England had a large revenue, and her customs and excise brought in what were then looked upon as vast sums, viz.: customs, one million three hundred and forty-one thousand five hundred and fifty-nine pounds per annum; excises, nine hundred and forty-seven thousand six hundred and two pounds per annum. But, on the other hand, she had heavy debts

upon them to discharge; and for the discharge of which, these revenues and almost all the other taxes (the land-tax and malt-tax excepted) were appropriated. The revenue of Scotland was comparatively small, her customs and excise producing but the following sums, viz.: the customs let out in tack, or farm, from year to year, only at thirty thousand pounds per annum; the excise, farmed also, at thirty-five thousand pounds per annum. But then the revenue of Scotland was entirely free from anticipations, or appropriations on any account of debt; not but that there were public debts too, but the revenue was not charged with them. In case of the revenues of the two kingdoms being united, two methods of arrangement presented themselves; each kingdom might, like two tradesmen entering into partnership, pay off their own respective debts, and bring in their several proportions of stock, clear of all incumbrances; or, putting the general accounts of debts and stock together, the English must make good the inequalities to the Scots some other way. The Scots commissioners wisely proposed, for the ease of their own country, that the revenues of Scotland should not be at all chargeable with the English debts; and this was thought to be a very good argument to excuse Scotland from some duties which, notwithstanding the general article of paying equal taxes, Scotland could by no means bear. But the English commissioners, adhering to the first principle of the treaty, viz., of its being an entire incorporating union, considered themselves obliged to insist also, that there should be an equality of customs, excises, and all other taxes throughout the united kingdom, as that without which the union could not be entire. This being laid down as a general condition, two things came in course to be examined as mediums:—1. A scale of proportions to form the equalities. 2. An equivalent to be given for supplying unavoidable inequalities. The equity of this proposal was not disputed; and the English commissioners, when they insisted upon an equality of taxes, readily agreed to the giving Scotland an equivalent for the payment of their own debts, so far as their customs and excises should come into the appropriations of the English revenue.

After some further discussion on the question of the customs and excise, the English commissioners stated, in a meeting

on the 13th of May, that “taking into their consideration the paper delivered to them at this meeting by the lords commissioners for Scotland, they are so sensible of the lords commissioners for Scotland’s having agreed to an equality of excises, as to all excisable liquors (as the lords commissioners for England understand the same), and to an equality of excises and burthens on all goods exported to England and the plantations, which the lords commissioners for England do not doubt will be agreed to by the lords commissioners for Scotland; as to all goods exported to all places whatsoever; that to show their readiness to comply with everything reasonable to the bringing this treaty to a good effect, they are willing to enter into the consideration of the particular excises and burthens point by point, which being of several natures, so that they will require to be distinctly considered, the lords commissioners for England find it necessary to desire a little time for giving their opinion on each particular head; but in general are inclined to consent to an exemption of excises and burthens, as proposed in such cases, where it may be done without prejudice to the trade or manufactures of England: as to the excises, where an exemption cannot be consented to without such incon- veniency, the lords commissioners for England will consider of a proper equivalent, or some other expedient to promote the desired union of the two nations.”

“The commissioners,” says the contemporary historian of this delicate negotiation, “were now entered upon the great inquiry about equalities, and the first matter relating to taxes was that of the land-tax: the land-tax in England was a formidable thing, being called a tax of four shillings in the pound of the rent of lands, &c. And the people who were fond of throwing a tangled skein in the hands of the treaters, that might shock them at the beginning, would have gone upon that foot, alleging, that though the rents in Scotland were different from those in England, yet that twenty shillings sterling revenue being the same thing anywhere, it could as well afford to pay four shillings out of it in Scotland as anywhere else; and upon this foot, it seems, were for bringing the rents of land in Scotland to a true estimate; and so they would call this way of taxing an equality. But to this it was answered, first, that the Scots way of collecting their taxes being rigorous and exact, if four shillings per pound were

laid by parliament upon the whole island, their assessments would *bona fide* be four shillings per pound upon the rack-rent of all their lands. Whereas four shillings per pound in England never puts the assessors out of their old road; but every county being rated in the very body of the act, the title is *ipso facto* repealed, since if the lands, &c., of that county will raise the money by an assessment of one shilling and sixpence per pound (and it is known some do for less), the law is satisfied, and the end answered. Now, to tax Scotland at four shillings per pound upon her nett rent, and tax the northern and western counties of England but at so much money, which they can raise by a proportion of sixteenpence to twenty-pence at most, per pound, would be unreasonable. So that it was plain Scotland could not be taxed at a pound rate, but at a proportioned sum, leaving them to the division of it, to raise it as they see fit.

"The sum charged upon lands in England, after it is levied and raised from the tenant, stands charged with large deductions and charges upon the levying, collecting, and receiving; and those charges, if some calculations are right, amount to little less than ninepence per pound upon the money received, besides public losses by the insolvency of receivers and their securities, which oftentimes runs deep into the money, and which, though they cannot be brought into an exact account, yet, put altogether, twelpence per pound may at least very well be charged upon the whole, as an off-reckoning or discount upon the money, between the collection and exchequer. This twelpence per pound upon the money collected is twopence eight-twentieths per pound upon all the rents in England, and amounts in every land-tax to near a hundred thousand pounds sterling. Now, as on the other hand, the Scots collect all their tax at their own charges, clear of all losses, deficiencies, or defalcations, and pay it in nett to the exchequer or public treasure, to charge them by the same numerical equality with England, would be to make them pay their taxes clear of charge, and bear part of the expense and loss in collecting ours.

"Differing customs and manners of paying rent, and letting out lands in the two kingdoms, make a numerical equality impracticable. In England the rents are paid in money; in Scotland they are, generally

speaking, paid in kind, or victual, as they call it: now though it is true this may, and is, in some respect, brought to a head by a general valuation, yet, with this difference, against a Scots landlord to an English, viz., that the Scots landlord stays two terms, and runs two risks, in his receiving the rent of his land. First, he stays the term agreed to receive of his tenant; and secondly, he trusts the merchant a second term, to whom he sells the produce he receives of his tenant: in the same sense he runs two hazards—one in the solvency of the tenant, and the other of the merchant; which makes a considerable difference in the essential value of the rent, and consequently of the purchase of such an estate; and though the purchase or real value of lands in Scotland may not come into this dispute, yet were an estate let in England to pay the rent in kind, it would sell for much less than an estate of the same value paid in specie; nor would it be taxed at near so much in our common assessment.

"The difference in letting lands in England, which are in many places fined down, and the stated rents reduced, makes another variation; whereas in Scotland lands are let without leases, or but on short terms, and at a rack-rent. Any man that knows what belongs to letting or taking lands in England, cannot be ignorant that the landlord letting a long lease to the tenant, confining him to such and such improvement, makes frequent considerations in the rent; and so the land being taxed by the rent, is taxed under the value. On the other hand, should this article of four shillings per pound be insisted on in the literal sense, and the Scots come to consider how to avoid it by fining down rents and other advantageous methods (which they may easily find out), they may soon evade the act and pay little or nothing; and this would be an evil hard to discover, and if found out, almost impossible to cure. From these reasons, it was plain a numerical or arithmetical equality could not be the foundation of those debates; but, as it was very well styled, it behoved to be a geometrical equality, founded on a scale of proportions, and that scale formed upon due considerations, not of real value only, but of circumstances and prospects of either kingdom.

"A second calculation was then proposed from the proportion which Scotland was obliged to pay under Oliver Cromwell, who having reduced Scotland by arms, incorpo-

rated them into one body with this nation, and by this incorporation they were rated at six thousand pounds per month in their land-tax, when England was rated at seventy thousand pounds per month. It also appears by the same calculation, that Scotland paid this six thousand pounds per month when England paid but thirty-five thousand pounds per month. Now, to apply this calculation to the present case, the land-tax in England, in time of war, at four shillings per pound, is supposed to raise two millions sterling. The Scots paying six thousand pounds to England's thirty-five thousand pounds per month (which is something less than a sixth part), by the same rule, in two millions per annum, which the said land-tax raises, they must be chargeable with £333,333 6s. 8d. per annum land-tax. But this arbitrary difference which Oliver Cromwell and his parliament made, as is observed, was in consideration that England had for divers years past been at almost all the expense of the war; yet still, at the former calculation, Scotland would, in a four-shilling aid, pay half that sum, viz., £166,666 13s. 4d. per annum. Now, to examine the rents of each kingdom, the annual rents of lands in Scotland must, by the first calculation, amount to £1,666,666 13s. 4d. sterling per annum; and by the last calculation, just half the money. Both which sums, it was alleged, are far wide of an equality, and far beyond what Scotland is able to raise. I am the larger on this head, that posterity may see the reasons why these calculations were made, and have the arguments preserved for their use if it be disputed hereafter, why Scotland should pay so small a proportion in the land-taxes, or four-shilling aid, and which may help others to defend Scotland against future attempts to enlarge their expenses.

"The next thing was to examine what was, or what might be counted a due equality; and here it will be necessary to enter a little into the short history of taxes in Scotland since the restoration, which, bringing it down to the present time, may serve as a rule to this matter. Anciently, the levying money upon land in Scotland was called in general the taxation, and the manner of levying it was by rules altogether obsolete and now grown out of use, as the custom of tenths, fifteenths, subsidies, &c., are in England. The now method of taxing land has its beginning, as to practice, in the assessment of six thousand pounds per

month settled in Scotland in Cromwell's time, when a union was actually formed and settled between the nations, of which, however deficient in itself, without doubt this may be said—that it had in it the essential parts, and might be modelled into a complete coalition. This is the tax they now go by in Scotland, and is called there the cess, by which is understood a month's assessment: it is raised upon land by a method peculiarly exact, and I have never heard any one complain of the inequality. It is raised, as is before noted, without any charge, deduction, or defalcation, and is paid nett into the treasury. According as the occasions of the government require, this tax is increased; but then not the sum per month is increased, but the number of months are increased, which, by the help of time, increases the sum. The original of the demand was as before, and of the method, but the continuance of it was thus introduced. In former times the kings of Scotland contented themselves with the ancient demesnes, crown lands, customs, &c., and, on extraordinary cases, the taxation, as above, was their supply; excises of any sort were altogether unknown till the days of king Charles II. King Charles II., in the year 1661, obtained of the Scots to give him a settled sum of forty thousand pounds sterling during his life, in consideration whereof he promised never to demand any cess or taxation, except in time of war. This forty thousand pounds was raised by eight thousand pounds laid as impost on foreign importations, and thirty-two thousand pounds per annum on malt brewed into liquor for sale; but as this was a novelty, and uncertain in its produce, a cess was granted to make good the deficiency, which deficiency generally amounted to two months' cess, more or less; and other cess than this Scotland knew none till the convention, 1666, which being a time of war, a cess was imposed, but not exceeding three months. Here it may be observed, that in these times the excises and customs of Scotland could not raise forty thousand pounds per annum, put together, which I note for the other uses which I shall make of it hereafter. But to go on with my history. From this time to the year 1678, Scotland had no more cess, nor was at any charge more than to make good the deficiency of the forty thousand pounds mentioned before, except three months' cess during the Dutch war, expiring at Candlemas, 1674. About this

time, the nation being very unhappily divided into parties, had the misfortune not only to have a religious division, but a court division also, and people strove at any price to oblige the sovereign in giving up their privileges and liberties to be trampled on by arbitrary designs. The first fruits of this courting the prince appeared in that they brought a tax of five months' cess upon the country, to be continued for five years, which, though in time of peace, was backed with a specious pretence of the disaffection of the fanatics, or, to express it in a more modern phrase, the danger of the church. This was the first infraction upon the Scots, to cover which duke Lauderdale, then commissioner, feigned a new word, and put upon it the gloss of a *voluntary offer*, or free gift. When this had been imposed for about three years, and two years before it expired, king James, then duke of York, and high commissioner in Scotland, *anno* 1681, obtained the continuation of this five months' cess for three years, which was to the year 1684. After this, when he came to the crown, he advanced it by his mere absolute command to eight months' cess, and had it confirmed to him for his life. In this taxation or cess, the several court parties struggled who should give their country away fastest: the bishops got into every part of the civil jurisdiction; the severities against the people first drove them into desperations and rebellions; and then such advantages were taken, and such use made of the said insurrections to ruin others, that the poor people were brought to the brink of general ruin; the nation being brought to that pass, that a man might be fined or forfeited—that is, his estate taken from him, for his wife's giving a halfpenny at his door to a common beggar, on pretence it was relieving a rebel.

"Thus poor Scotland was bought and sold; and the example is useful for our observation a great many ways: for thus shall every nation be used that is divided into contending parties, and exposed to an encroaching government. But that I may not have said all this foreign to the present purpose, it is very observable, and this is the reason of the quotation—that this will make one *period* for taxation, viz., the highest that an arbitrary prince, backed with a mercenary nobility and a governing clergy, even in the greatest extreme of absolute tyranny, ever imposed upon this nation, which at that time it is evident they

desired to squeeze, and cared not if they entirely ruined. Come we now to the revolution, which these exorbitances had no little influence upon: the first thing transacted upon the meeting of the estates or convention of Scotland, was to break these chains, reassume the power of raising taxes by parliament, and make themselves judges both of the occasion and of the sum. However, as in England, since the revolution, greater occasions have called for immense sums to carry on the war, and such taxes have been raised as were never heard of before; so in Scotland the parliament have agreed to such taxes as—the aforesaid time of tyranny excepted—were never known in Scotland before. Yet, in the carrying on this war, six or seven months' cess has, one time with another, been thought Scotland's full proportion; and the late king, excepting one or two years on extraordinary occasions, always contented himself with it, and this at the same time that England raised four shillings per pound upon their land: nor did queen Anne ever demand more of her subjects in Scotland, though the weight of the war was as great as ever; and this was called another period of taxation. Now, what was meant by a geometrical scale, or equality in taxes, is drawn from these proportions. That, since exact valuation of rents cannot be made on both sides, and least of all in England, it seems as good a way to come at this equality as any could be proposed. That the highest period of taxes that ever Scotland bore since the restoration may be taken on one hand, and set against the highest period of taxes that ever England bore—that is, of a land-tax on both sides—and put these together as the scale of equality. Thus, suppose the Scots eight months' cess (though that was the height of tyrannic imposition, and though it is allowed the Scots are manifestly impoverished, and less able to bear it than they were—yet, say it be full eight months' cess), and set this against the English four shillings per pound, it could not be found that any more just calculation could be made; and the proportion seemed so clear, that every side appeared content with it. Thus, whenever a tax upon land for four shillings per pound is granted, the Scots pay eight months' cess; if of two shillings per pound in England, four months' cess; and so in proportion. There were other calculations offered about that time, but none seemed so rationally and so exactly stated to the circumstances

of the nations, or built on so just a foundation; and therefore it met with less difficulty than was expected, as will appear hereafter."

The difficult question of equalisation in customs and excise occupied the deliberations of the commissioners during a part of the month of May. The Scottish commissioners were at first opposed to this equalisation, on the ground that, although an equivalent were allowed to balance the national account, this would not compensate the loss to individuals, or enable the consumer to pay the increased price for the article. The English commissioners, however, insisted on their general argument—that, without such equalisation, the Scots, living cheaper, would be enabled to produce at a lower rate, and, as the immediate consequence of the union would be a free trade between the two countries, they would come into the English markets and undersell the English producers. The English commissioners agreed to exempt Scotland from the duties upon stamps, coals, windows, births, marriages, and burials, but the malt and salt taxes occasioned much dispute, as their value was widely different in the two kingdoms, the charge being made not *ad valorem*, but according to the measure and weight. Thus a quantity worth three shillings in Scotland would be charged sixteen shillings and fourpence, which would be the same as the tax in England for a quantity priced at ten shillings and sixpence. The Scottish commissioners insisted upon a perpetual exemption with regard to these articles, but after some arguing they agreed to a temporary suspension, on the ground that a British parliament was never likely to impose an impracticable tax on one part of the empire. To hasten these deliberations to a conclusion, the queen attended in person at the meeting of the commissioners on the 21st of May, and expressed her great desire that they might be brought to a successful result. The question of customs and excise being at length arranged, the Scottish commissioners, on the 29th of May, delivered in the following proposal:—"The lords commissioners for Scotland having already agreed to an equality of customs and excise upon all excisable liquors, and to the same regulations of trade throughout the whole united kingdom, as a consequence thereof; their lordships do now agree, that the laws concerning regulation of trade, customs, and excise upon all excisable liquors, be the

same in Scotland, after the union, as in England. But the lords commissioners for Scotland do propose, that all other laws in use within the kingdom of Scotland do, after the union, and notwithstanding thereof, remain in the same force as before, but alterable by the parliament of Great Britain; with this difference betwixt the laws concerning public right, policy, and government, and those which concern private right,—that the laws which concern public right, policy, and government, may be made the same throughout the whole united kingdom; but that no alteration be made in the laws which concern private right, except for evident utility of the subjects within that part of the united kingdom now called Scotland. And as to the judicatures within Scotland, the lords commissioners for Scotland do propose as followeth:—That the court of session, or college of justice, do, after the union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the union; subject, nevertheless, to such regulations for the better administration of justice as shall be made by the parliament of Great Britain. That the court of judicature do also, after the union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the union; subject, nevertheless, to such regulations as shall be made by the parliament of Great Britain, and without prejudice of other rights of judicature. That all other courts presently in being within the kingdom of Scotland do remain, but subject to alterations by the parliament of Great Britain; and that all inferior courts within the said limits do remain subordinate, as they now are, to the supreme courts of justice within the same, in all time coming. That no causes in the kingdom of Scotland be cognisable by the courts of chancery, queen's bench, common pleas, or any other court in Westminster-hall; and that the said courts, or any others of the like nature, after the union, shall have no power to cognise, review, or alter the acts or sentences of the judicatures within Scotland, or stop the execution of the same. That there be a court of exchequer in Scotland, after the union, for deciding questions concerning the revenues of customs and excises, having the same power

and authority as the court of exchequer has in England; and that the said court of exchequer in Scotland have power of passing signatures, gifts, tutories, and in other things, as the court of exchequer at present in Scotland hath; and that the court of exchequer that now is in Scotland do remain, until a new court of exchequer be settled by the parliament of Great Britain in that kingdom after the union. That after the union, the queen's majesty and her royal successors may continue a privy council in Scotland, for preserving of public order and peace, until the parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end. That all hereditary offices and jurisdictions, and offices or jurisdictions for life, be reserved to the owners thereof as right of property, notwithstanding of this treaty, in the same manner as they are now enjoyed by the law of Scotland. That the rights and privileges of the royal boroughs in Scotland, as they now are, do remain entire after the union, and notwithstanding thereof." To this paper the English commissioners replied:—"The lords commissioners for England having considered the several proposals contained in the paper delivered the 29th instant, by the lords commissioners for Scotland, and being extremely desirous to bring this treaty to a speedy and happy conclusion, do agree to the same, reserving still the consideration of the courts of admiralty of Scotland to the further progress of this treaty."

On the 7th of June, the English commissioners made the following proposal:—"The lords commissioners for England being extremely desirous to come to a speedy conclusion of the present treaty for a union of the two kingdoms, and it having been already agreed that the united kingdom be represented by one and the same parliament, their lordships have turned their thoughts to consider what may be a proper and reasonable number for the representative of Scotland in the house of commons of the united parliament; and do propose to the lords commissioners for Scotland, that thirty-eight persons be the number by which that part of the united kingdom now called Scotland, shall be represented in the house of commons whenever a parliament shall be called in Great Britain." The Scots took four days for deliberation, and on the 11th of June they gave in the following reply, which was appended to their resolution with regard

to the court of admiralty:—"The lords commissioners for Scotland, in answer to the proposal delivered by the lords commissioners for England on the 5th instant, concerning the admiralty, do agree that all admiralty jurisdiction be under the lord high admiral of Great Britain, or commissioners of admiralty of Great Britain for the time being; and as to that part of the said proposal which concerns appeals from the high court of admiralty, the lords commissioners for Scotland do propose, that the court of admiralty now established in Scotland be continued, and that all reviews, reductions, or suspensions of their sentences in maritime cases competent to their jurisdiction, remain in the same manner after the union as now in Scotland, until the parliament of Great Britain shall make such regulations and alterations as shall be judged expedient for the whole united kingdom; providing there be always continued in Scotland a court of admiralty such as is in England, for determination of all maritime cases relating to private right in Scotland, competent to the jurisdiction of the admiralty court. And the lords commissioners for Scotland do further propose, that the hereditary rights of admiralty and vice-admiralties be reserved to the respective proprietors as rights of property. The lords commissioners for Scotland having considered the proposal made by the lords commissioners for England the 7th instant, viz., that thirty-eight persons be the number by which that part of the united kingdom now called Scotland, shall be represented in the house of commons whenever a parliament shall be called in Great Britain, do find such difficulties in that matter, that they are under a necessity to propose a conference betwixt the lord commissioners for both kingdoms on that subject, in which their lordships doubt not but to satisfy the lords commissioners for England that a greater number than is mentioned in the said proposal will be necessary for attaining the happy union of the two kingdoms, so much desired on both sides; and the lords commissioners for Scotland are willing now to enter on the said conference, or when the lords commissioners for England will please to appoint."

In fact, the question now brought forward was the most difficult and delicate in the whole treaty. The number of commissioners in the Scottish estates was one hundred and sixty, the nobles one hundred

and forty-five; the number of the English house of commons was five hundred and thirteen, and of the English house of peers one hundred and eighty-five. To the Scots, therefore, the number proposed for the representation of Scotland seemed far too small, and they appeared at first inclined to make a determined stand on this point. On the 14th of June, the private conference on the subject having been closed, the earl of Mar delivered a paper in to the effect that, "the lords commissioners for Scotland having considered the proposal delivered by the lords commissioners for England on the 7th instant, with the conference that followed on the subject of that proposal; their lordships are hopeful that the lords commissioners for England are convinced of the real difficulties occurring in that matter on the part of Scotland, and the lords commissioners for Scotland do find themselves still under an absolute necessity for bringing to a happy conclusion the union of the two kingdoms, to insist that a greater number than that of thirty-eight be agreed to, as the representative for Scotland in the house of commons in a parliament of Great Britain."

This day was chiefly occupied with debates on the admiralty court, on which subject the proposal of the Scots was finally agreed to by the English, with a mere proviso that that court and its hereditary rights were to be subject to whatever regulations or alterations should be made by the united parliament of Great Britain. On the 15th of June, the English commissioners gave in the following paper:—"The lords commissioners for England, being assured by the lords commissioners for Scotland, that there will be found insuperable difficulties in reducing the representation of Scotland in the house of commons of the united kingdom to thirty-eight members (the number formerly proposed by the lords commissioners for England), do, to show their inclinations to remove everything that would of necessity be an obstruction to the perfecting the union of the two kingdoms, propose to the lords commissioners for Scotland, that forty-five members, and no more, be the number of the representatives for that part of the united kingdom now called Scotland, in the house of commons of the united kingdom, after the intended union. And there being an absolute necessity that the number of peers to be admitted into the house of lords of the

united kingdom, for that part of the united kingdom now called Scotland, be regulated in proportion to the number to be admitted into the house of commons, do propose that sixteen peers be the quota of Scotland in the house of peers of the parliament of the united kingdom, after the intended union." The Scots took two days for deliberation among themselves, and then, on the 18th of June, the earl of Mar, in the name of the lords commissioners for Scotland, delivered to the board their final answer, in the following words:—"The lords commissioners for Scotland having considered the paper delivered by the lords commissioners for England the 15th instant, containing a proposal that forty-five members be the number of the representatives of that part of the united kingdom now called Scotland, in the house of commons of the united kingdom, after the intended union; and that sixteen peers be the quota of Scotland in the house of peers, in the parliament of the said united kingdom: and being most desirous to concur in what is further necessary to finish this treaty, and at the same time sensible of the difficulties on the part of the lords commissioners for England in that matter, do not insist for greater numbers (by virtue of this treaty) of representatives in the house of peers and the house of commons in the parliament of Great Britain, than these proposed by the lords commissioners for England; providing that all the peers of Scotland, and their successors to their honours and dignities, be, from and after the union, reckoned and declared peers of Great Britain, and that they enjoy, in their respective degrees and orders, all other titles, dignities, pre-eminencies, immunities, and privileges whatsoever, as fully and freely as the peers of England do at present, or the peers of Britain may enjoy hereafter. And the lords commissioners for Scotland do further propose, that the peers of Scotland for that time being, and their successors, do, at and after the union, according to their different degrees and orders, enjoy the rank and precedence of all peers to be thereafter created of the like orders and degrees in the said united kingdom." To this, on the 19th, the English commissioners replied:—"The lords commissioners for England, having considered the two proposals made by the lords commissioners for Scotland, in their paper delivered the 18th instant, do agree to the same, with the following explanation: that all the peers of Scotland, and their

successors to their honours and dignities, be, from and after the union, reckoned and declared peers of Great Britain, and that they enjoy, in their respective degrees and orders, all other titles, dignities, pre-eminencies, immunities, and privileges whatsoever, as fully and freely as the peers of England do at present, or the peers of Britain may enjoy hereafter; provided that no peer who shall not then have the right to sit in parliament shall be capable of sitting upon the trial of any peer; and also, that no peer, not having right to sit in parliament, shall have privilege of parliament. And also, that the peers of Scotland for the time being, and their successors, do, at and after the union, according to their different degrees and orders, enjoy the rank and precedence of all peers to be thereafter created of the like orders and degrees in the united kingdom: provided always, that it be understood, that all persons who shall be peers of England at the time of the union, shall for ever enjoy that rank and order of precedence of their respective degrees, before the same degrees of the peers of Scotland." To this the Scots agreed, with the further explanation, on their part, that "the lords commissioners for Scotland do understand, that by the explanation contained in the said paper delivered by the lords commissioners for England, all the peers of Scotland are to be tried as peers of Great Britain, and enjoy all privileges of peerage, excepting that of sitting in the house of lords, and the privileges depending thereon, to which sixteen peers, to be sent from time to time from the peers of Scotland to the house of lords of Great Britain, are only entitled; and the lords commissioners for Scotland do propose, that in the trials of peers, in time of adjournments or prorogations of parliament, the sixteen peers who do then represent the peers of Scotland, shall be summoned in the same manner, and have the same powers and privileges in such trials, as any other peers of Great Britain; and that in the trials of peers when there is no parliament in being, the sixteen peers, representatives from Scotland in the former parliament, shall be called in the same manner, and have the same powers and privileges."

On the 19th the English commissioners handed in a proposal,—“That from and after the union, the coin shall be of the same standard and value throughout the united kingdom as now in England, and the same

weights and measures shall be used throughout the united kingdom as are now established in England:” and they added another —“That all laws and statutes in either kingdom, which are contrary to, or inconsistent with, the terms agreed on for uniting the two kingdoms, shall be repealed and made void.” The Scots, on the 21st, signified their concurrence in both these proposals, with the provision on the first, “that consideration be had to the losses private persons may sustain in reducing the coin to the same standard as now established in England; and also provided, that from and after the union, the mint at Edinburgh be always continued under the same rules as the mint in the Tower of London, or elsewhere in the united kingdom; and that the standard of weights and measures for Scotland be kept by those boroughs within that part of the united kingdom now called Scotland, to whom the keeping of the standards of weights and measures now in use in Scotland does by special right and privilege belong.”

During the interval, many schemes were proposed for arranging the number of Scottish members in what seemed a fairer proportion, and, as Defoe observes, “the debates without doors were much warmer than those within.” There was but one precedent to look back to, which was furnished by the transient union made by Oliver Cromwell; where the model of proportional representation was taken from the scheme of proportions, upon which he had formed his taxation, in which Scotland being rated at about a thirteenth part of the land-tax, had also allowed her about a thirteenth part in the representation, as follows:—England was taxed at seventy thousand pounds a-month, and was represented in parliament by four hundred members; Scotland was taxed at six thousand pounds a-month, and was represented in parliament by thirty members. “I will not say,” Defoe remarks, “this was the most equal judgment that ever was made of this kind as to Scotland; but I may be allowed to say, that with respect to England it was certainly the most equal distribution of elections that ever was, and much beyond our present method; for in this scheme the disproportion of numbers was taken away, and the election of members to represent ruined heaps, decayed castles, and depopulated towns, was let fall: but of this by the way. The present calculation was not very remote from this, in effect, though not built upon

the same foot: and it was very rationally argued here, that the proportion could not be taken barely from the share of taxes paid (which was the scheme which most of the politicians of that time pretended to go upon), but that the proportion must be doubly calculated; which, if it be examined, and were to be applied in Holland, and other parts of the world, must have been done. For instance, the share in taxes, and the number of the people. If, on one hand, the share of taxes may be low, yet the number of people great; or, on the other hand, the share of taxes high, and the people few, the extremes are to bear their weight in the proportion. Thus, though the Scots, by this union, paid but forty-eight thousand pounds for Scotland to one million nine hundred and ninety-seven thousand pounds English, which was about one-fortieth part (forty times forty-eight thousand pounds being one million nine hundred and twenty thousand pounds), to have argued from thence that they should have but thirteen members—which to the house of commons is $\frac{1}{39}$ $\frac{6}{33}$ part of five hundred and thirteen—this would appear ridiculous. Again, if you take an estimate of the people of both nations, we shall find Scotland esteemed to contain two millions, and England, at the highest calculation, under six; and this brings Scotland to a third part of the members, which would be extravagant the other way, and oblige them to send one hundred and seventy-one members to the house. But, if you set these extremes against one another, it will appear that a tenth of the representative answered as nigh to an equality as such a thing could well be reduced to; and, on this foot, the Scots commissioners were supposed to be near the matter, when they desired fifty members might be the representative for Scotland." These remarks of Defoe show us the light in which the question was viewed and discussed at that time, when England was far less populous and less rich than at present, and they are perhaps the best commentary on the proceedings of the commissioners we could give.

On the 21st of June, the Scottish commissioners brought forward the sore subject of the African company. They proposed as alternatives:—"That the rights and privileges of the company in Scotland trading to Africa and the Indies, established in Scotland by the eighth act of parliament, 1695, and by the thirteenth act of parliament,

1701, do continue in force after the union; or that if the privileges of that company shall be judged inconvenient for the trade of the rest of the united kingdom, that the private rights of the said company in Scotland be purchased from the proprietors." They also proposed,—“That all ships belonging to her majesty’s subjects in Scotland at the time of the union, though foreign built, shall be deemed and pass as ships of the build of Great Britain, the owner or owners, within twelve months after the union, making oath that the same did belong to him or them at the commencement of the union, and does then belong to him or them, and that no foreigner, directly nor indirectly, hath any share, or part, or interest therein, which oath shall be made before the chief officer of the customs at the port next the abode of the said owner or owners; and the said officer shall be empowered to administer the said oath; and the oath being so administered shall be attested by the officer who administered the same, and being registered by the said officer, shall be delivered to the master of the ship for security of her navigation, a duplicate of which register shall be immediately transmitted to the commissioners of her majesty’s customs in the port of Edinburgh.” Instead of the latter proposal, the English commissioners substituted a modified regulation, to which the Scots agreed; and this point was finally settled as follows:—"That all ships belonging to her majesty’s subjects of Scotland at the time of signing this treaty of the union of the two kingdoms, though foreign built, shall be deemed and pass as ships of the build of Great Britain; the owner, or where there are more owners, one or more of them, within twelve months after the union, making oath that the same did belong to him or them, or to some other subject or subjects of Scotland at the time of signing the said treaty, and doth then belong to him or them, and that no foreigner, directly nor indirectly, hath any share, or part, or interest therein; which oath shall be made before the chief officers of the customs in the port next the abode of the said owner or owners; and the said officer or officers shall be empowered to administer the said oath; and the oath being so administered, shall be attested by the officer or officers who administered the same, and being registered by the said officer or officers, shall be delivered to the master of the ship, for security of her navigation, and a dupli-

cate thereof shall be transmitted by the said officer or officers to the chief officer or officers of the customs in the port of Edinburgh, to be there entered in a register, and from thence to be sent to the port of London, to be there entered in the general register of all trading ships belonging to Great Britain."

To explain the anxiety shown on this point, it may be necessary to state that the act of navigation in England obliged all the ships employed to and from England, except only such ships as import anything of the growth or manufacture of their own country, to which those ships belong, to be English built ships, and the mariners or sailors navigating the same to be two-thirds, at least, natural born subjects of England. But as Scotland of late years, wanting timber or other materials, had very few ships of their own building, they carried on the greatest part of their foreign trade in vessels built in Holland, Hamburgh, and the Baltic, and the English commissioners wished, by a clause of this kind, to prevent the introducing of foreign bottoms into our trade as free ships. The Scots, to protect their own trade, demanded that a ship should be deemed free at the time of the union if part of her was owned by Scotsmen at that time, because as they traded much to Holland, so the merchants of Amsterdam, Camphre, and other places, were in part owners, in company with the Scots merchants, of many of their ships, and therefore it was thought hard, that if the major part of the owners were Scotsmen, yet the ship should be deemed foreign, which would either oblige the Scots merchant to buy the remainder at what price the foreign owner pleased to exact, or oblige him to sell and cast off the ship, without which he could not carry on his trade. This, however, would have clashed directly with the act of navigation, and created innumerable inconveniences; for foreigners would only have to interest Scotsmen in a moiety of their ships, and so pass great numbers of foreign-built bottoms for free ships in Britain, to the great damage of the English trade. This point therefore was given up, and it remained only to arrange the time at which any vessel belonging entirely to Scots owners should be deemed free: the English commissioners put it to be at the time of signing the treaty; the Scots commissioners insisted on the time of the commencement of the union: but it was objected to the latter that,

in the interval, the merchants of either kingdom might procure great numbers of foreign ships, which being built cheaper than the English, and becoming free by this clause, would be a great prejudice to trade; whereas it was the known interest of both kingdoms to encourage the building of merchant ships among themselves.

The next matter of consideration was the very important one of the equivalent, in regard to which the English commissioners offered the following scheme:—"The lords commissioners of the two kingdoms having appointed a committee, consisting of a like number of each commission, for adjusting the equivalent to be allowed to Scotland for what that kingdom should become liable to answer towards payment of the debts of England, by reason of their having agreed to bear the same duties of customs and excises upon all excisable liquors; and the said committee having frequently met, and after a full inquiry, having agreed amongst themselves, and severally reported to their respective commissions, that the sum of £398,085 10s. was the equivalent to be answered to Scotland, according to the proportion which the present customs and excises in Scotland do bear to the customs and excises upon excisable liquors in England; and the lords commissioners for England having considered and examined the said report, do agree to the said sum. The lords commissioners for Scotland having also insisted that after the union, the kingdom of Scotland becoming liable to the English duties of customs and excises upon excisable liquors, as well upon that account as upon the account of the increase of trade and people, which will be the happy consequence of the said union, the said two revenues will much improve, of which no present valuation can be made; yet, nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent allowed to Scotland. The lords commissioners for England do agree, that after the union there shall be an account kept of the said duties arising in Scotland, to the end that it may appear what ought to be allowed to Scotland as a proportionable equivalent for such proportion of the said increase according to the calculation aforesaid, as shall be applicable to the payment of the debts of England. The lords commissioners for Scotland having also, by their paper delivered the 21st instant, proposed that the rights and privileges of the company in Scotland trading

to Africa and the Indies do continue after the union, or if the privileges of that company be judged inconvenient for the trade of the united kingdom, that the private rights of the said company in Scotland be purchased from the said proprietors; the lords commissioners for England, in answer thereto, say they are of opinion, that the continuance of that company is inconsistent with the good of trade in the united kingdom, and consequently against the interest of Great Britain, and therefore they insist that it ought to be determined. But the lords commissioners for England being sensible that the misfortunes of that company have been the occasion of misunderstandings and unkindnesses between the two kingdoms; and thinking it to be above all things desirable, that upon the union of the kingdoms, the subjects of both may be entirely united in affection, do therefore wish that regard may be had to the expenses and losses of the particular members of the said company in the manner hereafter mentioned; and they hope when the lords commissioners for Scotland have considered how generally that undertaking was entered upon in Scotland, and consequently how universal that loss was, they will readily agree to the proposal. The lords commissioners for England do also think it of much consequence to England, that it should be agreed in this treaty after what manner the equivalent (which will amount to a great sum payable upon and after the union) is to be paid and applied; and being extremely desirous to bring the treaty to a speedy conclusion, and in order to that, as soon as may be, to settle and fix the matter of the equivalent and the application thereof, do agree as follows, and do also make the following proposals to the lords commissioners for Scotland:—The lords commissioners for England do agree, that upon completing the union, the said sum of £398,085 10s. being agreed upon as the equivalent for Scotland, shall be granted to her majesty for that use. The lords commissioners for England do also agree, that upon the account to be kept as aforesaid, of the improvement of the revenue of customs and excises upon excisable liquors in Scotland after the union, there shall be answered to Scotland an equivalent in proportion to such part of the said increase as shall be applicable to the payment of the debts of England. The lords commissioners for England do also agree, that an equivalent shall be

answered to Scotland for such other parts of the English debts as that kingdom may hereafter become liable to pay by reason of the union. The lords commissioners for England do propose, for the further and more effectual answering the several ends hereafter mentioned and proposed, that from and after the union the whole increase of the revenue of customs and excises upon excisable liquors in Scotland, over and above what the said revenues do now yield, shall go and be applied, for the term of seven years, to the uses hereafter mentioned. And upon the said agreements and proposal the lords commissioners for England do further purpose, that her majesty be empowered to appoint commissioners, who shall be accountable to the parliament of Great Britain, for disposing the said sum of £398,085 10s. to be granted as aforesaid, and also of all other monies which shall arise upon the agreements and proposal aforesaid, to the purposes following:—1. That out of the said sum of £398,085 10s. all the public debts of the kingdom of Scotland, and also the capital stock or fund of the African and Indian company of Scotland, together with the interest for the said capital stock, after the rate of five per cent. per annum, from the respective times of payment thereof, shall be paid, and that immediately upon such payment of the said capital stock and interest, the said company shall be dissolved and shall cease; provided nevertheless, that from the time of passing the act for raising the said sum of £398,085 10s. the said company shall neither trade nor give license to trade. The lords commissioners for England do further propose, that after payment of the said public debts, and refunding the said capital stock in manner aforesaid, the overplus of the said sum of £398,085 10s. and also the whole improvement of the revenue of customs and excises upon excisable liquors (above the present value), which shall arise during the term of seven years from the commencement of the union as aforesaid, together with the equivalent which shall become due upon account of the improvement of the customs and excises on liquors in Scotland after the said seven years, and all other sums, which according to the agreement aforesaid may become payable to Scotland by way of equivalent for what that kingdom shall hereafter become liable to answer for the debts of England, may be applied in the manner

following:—That out of the same, what consideration shall be found necessary to be had for any losses which private persons may sustain in reducing the coin of Scotland to the standard of England (mention whereof is made in another paper delivered by the lords commissioners for Scotland the 21st instant), may be made good, and afterwards the same shall be wholly employed towards encouraging and promoting the fisheries and such other manufactures and improvements in that part of Britain called Scotland, as may most conduce to the general good of the united kingdom.”

The proposal to purchase entirely the private rights of the African company in Scotland out of the equivalent money, appears to have been more than most people expected, and led many to look with a favourable eye upon the union, who were before prejudiced against it. The stock was a great burthen upon many families, who would have been glad of the return of so much money: it had not only been long disbursed, but in the majority of cases the money was given over for lost; and people had so entirely given up all hopes of recovery, that even after this conclusion of the treaty, the stock might be bought at ten pounds for a hundred.

On the day after the foregoing scheme was given in (Wednesday, the 26th of June), the queen came again to the meeting, and delivered the following brief address:—“My lords,—I am come hither once more to see what further progress you have made in this treaty, and to press a speedy conclusion of it, in regard my servants of Scotland cannot without great inconveniency be much longer absent from that kingdom.” This intimation no doubt tended to hasten the conclusion of the proceedings, and, as the Scottish commissioners seemed tolerably satisfied with the equivalent, the discussion turned chiefly on the time and mode of payment, and on some of its minor details. Nothing now remained but the adjustment of a few matters of small moment, such as the making of one great seal, the quartering of the arms of the two kingdoms, the uniting the crosses, and the arrangement of banners, ensigns, and trophies. On Thursday, the 11th of July, the English commissioners announced the near conclusion of the treaty by proposing—“That the union of both kingdoms shall take place upon the 1st day of May, 1707, and their lordships do also pro-

pose, that if her majesty, on or before the said 1st day of May, shall declare under the great seal of England, that it is expedient that the lords of parliament of England, and commons of the present parliament of England, should be the members of the respective houses of the first parliament of Great Britain, for and on the part of England; then the said lords of parliament of England, and commons of the present parliament of England, shall be the members of the respective houses of the first parliament of Great Britain; and her majesty may, by her royal proclamation, under the great seal of Great Britain, appoint the said first parliament of Great Britain to meet at such time and place as her majesty shall think fit, which time shall not be less than forty-two days after the date of such proclamation; and the time and place of the meeting of such parliament being so appointed, a writ shall be immediately issued under the great seal of Great Britain, directed to the privy council of Scotland, for the summoning the sixteen peers, and for electing forty-five members, by whom Scotland is to be represented in the parliament of Great Britain; and the lords of parliament of England, and the sixteen peers of Scotland, such sixteen peers being summoned and returned in the manner agreed in this treaty; and the members of the house of commons of the said parliament of England, and the forty-five members for Scotland, such forty-five members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively in the respective houses of the parliament of Great Britain, at such time and place as shall be so appointed by her majesty, and shall be the two houses of the first parliament of Great Britain; and that parliament may continue for such time only as the present parliament of England might have continued, if the union of the two kingdoms had not been made, unless sooner dissolved by her majesty. And the lords commissioners for England do likewise propose, that every one of the said sixteen peers of Scotland, and every one of the said forty-five members for Scotland shall, before they sit or vote in the respective houses of parliament of Great Britain, take the respective oaths, and subscribe the declaration in the same manner as the lords and members of both houses of parliament in England are obliged to take and subscribe, by virtue of any act or acts of parliament now in force in England, upon

the penalties therein contained." To this the Scots replied, on the 13th, that they agreed to it with the alteration, in the first part, that the time for meeting of the said parliament should not be less than fifty days after the date of the proclamation; and that they would agree to the second part of the proposal, in the terms following:—"That every one of the lords of parliament of Great Britain, and every member of the house of commons of the parliament of Great Britain, in the first and all succeeding parliaments of Great Britain, until the parliament of Great Britain shall otherwise direct, shall, before they sit or vote in the respective houses of the parliament of Great Britain, take the respective oaths appointed to be taken instead of the oaths of allegiance and supremacy, by an act of parliament made in England, in the first year of the reign of the late king William and queen Mary, intituled, 'An act for the abrogating of the oaths of allegiance and supremacy, and appointing other oaths,' and make, subscribe, and audibly repeat the declaration mentioned in an act of parliament made in England in the thirtieth year of the reign of king Charles II., intituled, 'An act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament;' and shall take and subscribe the oath mentioned in an act of parliament made in England, in the first year of her majesty's reign, intituled, 'An act to declare the alterations in the oath appointed to be taken by the act,' intituled, 'An act for the further security of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined,' upon the penalty and disabilities in the said respective acts contained; and the lords commissioners for Scotland do further propose, that these words, 'the crown of this realm,' and the 'queen of this realm,' mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of England, may be understood of the crown and realm of Great Britain, united by the acts of the respective parliaments ratifying this treaty, and that the oaths and declaration be taken and subscribed by the members of both houses of the parliament of Great Britain in that sense."

To these alterations the English commissioners made no objection; and on the 22nd of July the articles of the union, duly engrossed, were signed and sealed by the commissioners. Next day they waited upon the queen at St. James's, where the lord keeper made the following speech, in presenting to her one of the signed and sealed instruments or writings containing the articles of union on the part of England:—"May it please your majesty,—We the commissioners appointed by your majesty, in pursuance of the act of parliament passed in your kingdom of England, to treat concerning a union of the two kingdoms, with the commissioners for Scotland, do (according to our duty) humbly beg leave to present to your majesty these the effects of our continued and faithful endeavours towards that end. They are the articles agreed upon between your commissioners of both kingdoms, as the terms or conditions upon which the intended union is to take place, if your majesty and the parliaments of both kingdoms shall think fit to approve and confirm the same. In these we have come to an agreement on every point we judged necessary to effect a complete and lasting union, and we have endeavoured not to stir into any matter we had reason to think was not so. And although we have unanimously carried this treaty thus far, purely from a conviction that we have done therein to God, your majesty, and our country's good service; yet we are far from thinking that what we have done will, or ought to be of any weight or authority elsewhere; but do most entirely submit these our labours to the high wisdom of your majesty and both your parliaments, to stand or fall by the reason, justice, and public utility on which they are founded. Your majesty's royal presence and seasonable admonitions to us at the fittest junctures, were (we most thankfully acknowledge) a very great encouragement and assistance to us, in the difficulties we met with. Your majesty's glory is already perfect, and the finishing this work is all that is wanting to complete as well as secure the happiness of so great a people, as your subjects may now, without any arrogance, pretend to be. May your majesty live not only to give a sanction of this universal blessing to all your people, but also to see, in a long and prosperous reign over us, the many immediate (or near) good effects of it; but as for that great and main consequence of it, for which your majesty is

making, by a most gracious and charitable foresight, this only effectual provision—I mean the continuance of peace and tranquillity in this island, upon a descent of the crown, instead of that bloodshed and distraction which would probably follow upon the fatal division of it—may we be so happy as never, in our days, to experience the fitness of these measures your majesty is now taking for that end! But may late, very late posterity, only in that respect, reap the advantage of them.” Then the lord chancellor of Scotland, in the name of the lords commissioners for Scotland, presented to her majesty one of the signed and sealed instruments or writings, containing the articles of union on the part of Scotland, and addressed her in the following words:—“May it please your majesty,—The commissioners appointed by your majesty for the kingdom of Scotland, to treat of a union of your two kingdoms of Scotland and England, have commanded me to return your majesty their most humble and dutiful acknowledgments, for the honour your majesty has conferred on them, in employing them to negotiate this most important affair, which is of the greatest consequence to all your majesty’s subjects. We have endeavoured to discharge this trust with all fidelity, and are now come humbly to lay before your majesty the articles and conditions of union which we have treated of, and agreed upon, and do submit them to your majesty’s royal consideration. It is a great satisfaction to us, that what we have concluded in this matter has been done with unanimity; and we must own, that the knowledge we had of your majesty’s great concern for uniting your two kingdoms, and the earnestness with which your majesty has been most graciously pleased to recommend it, hath enabled us to bring this treaty to a happy and speedy conclusion, to the mutual satisfaction of the commissioners on both sides; and we shall esteem it our greatest happiness, if what we have prepared be acceptable to your majesty, and ratified by the parliaments of both kingdoms, without which what we have done can be of no authority. A union of the two kingdoms

has been long wished for, it being so necessary for establishing the lasting peace, happiness, and prosperity of both nations; and though it has been frequently endeavoured by your majesty’s royal predecessors, without the desired success, yet the glorious successes with which God has blessed your majesty’s endeavours for the happiness of your people, make us hope that this great work is reserved to be accomplished in your majesty’s reign.” After which, her majesty addressed the commissioners as follows:—“My lords,—I give you many thanks for the great pains you have taken in this treaty, and am very well pleased to find your endeavours and applications have brought it to so good a conclusion. The particulars of it seem so reasonable, that I hope they will meet with approbation in the parliaments of both kingdoms. I wish, therefore, that my servants of Scotland may lose no time in going down to propose it to my subjects of that kingdom; and I shall always look upon it as a particular happiness, if this union (which will be so great a security and advantage to both kingdoms) can be accomplished in my reign.”

Thus, as far as the commissioners were concerned, was this important treaty brought to a conclusion. Whatever motives actuated them, whether patriotic or selfish, they seem to have carried on the conference with great fairness, and to have shown a willingness to yield to each other, which only ensured its final success. The agitation on the subject out of doors was very great; and it may be regarded as a significant circumstance, that the same day on which the treaty was presented to the queen, she dictated an order of council, that whoever should be concerned in any discourse or libel, or in laying wagers, relating to the union, should be prosecuted with the utmost rigour of the law. A feeling, however, had been gradually rising in favour of the measure, and it required, even in Scotland, great exertions on the part of the political factions opposed to it, and great and unscrupulous skill in misrepresentation, to raise that violent dislike to the union which soon afterwards showed itself in that kingdom.

CHAPTER XIV.

THE ARTICLES OF THE UNION BEFORE THE SCOTTISH PARLIAMENT; RIOTOUS SPIRIT AND PROCEEDINGS OF THE POPULACE; THE UNION VOTED.

THE act of union promised to be the heaviest blow that had yet been given to the prospects of the jacobites in Scotland, and they were consequently unwearied in their exertions to defeat it. But they still exaggerated their own strength; and meditating an insurrection as the last resource, they continued to solicit the court of France for assistance. Louis XIV. had ceased to place much trust in their representations, but as he knew that the English troops in Scotland were few in number, he was willing at this time, when he was suffering under such great reverses on the continent, to seize upon any offer which promised to give the English government even but temporary occupation for its troops at home. He had therefore in the preceding year sent as his agent to the Scottish jacobites one colonel Hooke, who had formerly held the office of chaplain to the duke of Monmouth, but had since entered the army in the service of France. Hooke arrived in Edinburgh in the August of 1705, bringing with him letters from the French king and from the pretender, addressed to the duke of Hamilton, the earl of Errol, the earl Marshall, and the earl of Hume, urging them to declare openly for the exiled dynasty, and promising to assist in its restoration. This agent, however, soon showed himself unfitted for the mission he had undertaken, for he leagued himself with the worst and most desperate men of the party, and urged imprudent measures which must have been fatal to them all. Hamilton and the other jacobite leaders were soon disgusted with his conduct, and held aloof from him, and he returned to France without effecting his purpose. No further communication of any importance had taken place between the jacobites in Scotland and the French king, until it became certain that the act of union would be agreed to by the commissioners in London. The jacobites then sent over as their accredited agent captain Henry Straton, to ascertain the real intentions of Louis, and gain information as to the amount of assistance on which they could count in case they judged it necessary to have recourse to arms. But in the few

months which had passed since Hooke's mission, the arms of the French king had experienced such heavy reverses, that he was obliged to tell the Scots plainly that he could no longer spare either money or men. It was therefore in vain to think of an insurrection, and the jacobite party in Scotland, thrown upon its own resources, had recourse to intrigue. They sought to league themselves with any party who would join with them, and so many parties were fearful that the union would turn to their disadvantage, that it was not difficult to find allies. The episcopalians were all opposed to the union, because it assured the permanent establishment of the presbyterian form of government; while the extreme presbyterians were equally hostile to it, under the influence of vague fears that their church would be at last left to the discretion of an episcopalian parliament. This latter party objected further, that by their solemn league and covenant they were bound to labour for the overthrow of the episcopalian church in England, whereas by the proposed union they not only agreed to the establishment of episcopalianism in England, but actually bound themselves to send representatives to a parliament in which bishops sat as peers. There was another party, and perhaps the most powerful of them all, consisting of persons who, by the union, would be deprived of the field on which they had found room for gratifying their ambition, or their avarice, or their personal feuds, or the piques of party. These were the most active agitators. They formed coalitions of the most unnatural description, and succeeded in uniting for a moment the Cameronian with his persecutor, the presbyterian with the papist, and the protestant succession with jacobitism. They terrified the poorer classes with apprehensions of insupportable taxes, of loss of employment and dearness of provisions, and of various other grievous burthens. People were told that they were sold to the English, that their parliament and the regalia of their crown would be carried away from them, and that their very name as a nation would be lost. The mercantile classes were threatened with the

utter destruction of trade, false representations were sent abroad, and in print as well as in speech men expatiated in the most extraordinary manner on the value of the trade with France, and on the unprofitable character of that with England. People were persuaded that their laws, liberties, and estates, were in future to be left at the absolute disposal of the British parliament, in which they would have but a small number of representatives, who, even supposing them always unbiassed and impartial, would in all cases be overruled, outvoted, and oppressed by the English majority. "All these things," we are assured, "were pushed with so much heat, so much want of charity and courtesy, that it began to break all good neighbourhood; it soured all societies; and the national quarrel broke into families, who were ever jangling, divided, and opposite one among another."

Such was already the state of things, when the Scottish parliament was called together on the 3rd of October, 1706, to give the final authority to the union by an act of parliament. The duke of Queensberry had been selected to act as commissioner on this occasion, as a nobleman of popular manners, and possessing a calmness of temper which hardly anything could ruffle. "It was," says Defoe, "in a great measure the only thing that carried this difficult work on, that the duke, in all the heats and animosities of the party, in all the convulsions of the kingdom, carried on the treaty with easiness, temper, and extraordinary conduct, not taking advantage of the rashness and rudeness of the people; pitying rather than apprehending danger from their folly, he kept his hand upon the work, his eye upon the principals of the opposite party; he disappointed all their measures; he let himself into the darkest of their counsels; he pursued the main and great work in hand; and with a contempt above my power to express, received all their insults, laughed at their threatenings, treated them courteously and calmly under the most intolerable carriage; and this, under the supreme conduct, was the only step by which this great work could have been brought to pass." Queensberry was ably supported by Argyle, Tweeddale, Stair, and a number of the principal nobility. The opposition in parliament was headed by the dukes of Hamilton and Athol, and the marquis of Annandale. The first of these had wavered so much, and he was so strongly

opposed to any extreme measures of his party, that it was difficult to say what were his real sentiments, though he was generally set down as a jacobite, and was supposed to favour the pretender. Athol was less cautious in his correspondence with the council at St. Germain's, and more openly zealous in the jacobite cause, but he was inferior to Hamilton in ability. The opening of this session, the last "riding" of a Scottish parliament, was naturally an object of unusual interest, and the great inclemency of the weather alone prevented the capital from being overcrowded with visitors from the provinces. The queen's letter, on this occasion, was to the following effect:—"Since your last meeting, we did nominate commissioners to treat of a union betwixt our two kingdoms of Scotland and England, and by their great care and diligence, a treaty is happily concluded and laid before us. We have called you together as soon as our affairs could permit, that the treaty may be under your consideration, in pursuance of the act made in the last session of our parliament there; and we hope the terms will be acceptable to you. The union has been long desired by both nations, and we shall esteem it as the greatest glory of our reign to have it now perfected, being fully persuaded, that it must prove the greatest happiness of our people. An entire and perfect union will be the solid foundation of lasting peace; it will secure your religion, liberty, and property, remove the animosities amongst yourselves, and the jealousies and differences betwixt our two kingdoms: it must increase your strength, riches, and trade; and by this union the whole island being joined in affection, and free from all apprehension of different interests, will be enabled to resist all its enemies, support the protestant interest everywhere, and maintain the liberties of Europe. We do upon this occasion renew the assurances we have formerly given you, of our resolution to maintain the government of the church, as by law established in Scotland; and the acts of both parliaments, upon which this treaty proceeded, having reserved their respective governments of the church in each kingdom, the commissioners have left that matter entire; and you have now an opportunity for doing what may be necessary for security of your present church government after the union, within the limits of Scotland. The support of our government, and your own safety does require, that you do make necessary provision

for maintaining the forces, ships, and garrisons, until the parliament of Great Britain shall provide for these ends in the united kingdom. We have made choice of our right trusty, and right entirely beloved cousin and counsellor, James duke of Queensberry, to be our commissioner, and represent our royal person, being well satisfied with his fitness for that trust, from the experience we have of his capacity, zeal, and fidelity to our service and the good of his country; which, as it has determined us in the choice, we doubt not but will make him acceptable to you. We have fully instructed him in all things we think may fall under your consideration, and seems to be necessary at present: therefore we desire that you may give entire trust and credit to him. It cannot but be an encouragement to you to finish the union at this time, that God Almighty has blessed our arms, and those of our allies, with so great success, and which gives us the nearer prospect of a happy peace, and with it you will have the full possession of all the advantages of this union; and you have no reason to doubt but the parliament of England will do what is necessary on their part, after the readiness they have shown to remove what might obstruct the entering on the treaty. We most earnestly recommend to you calmness and unanimity in this great and weighty affair, that the union may be brought to a happy conclusion, being the only effectual way to secure your present and future happiness, and to disappoint the designs of our and your enemies, who will, doubtless, on this occasion, use their utmost endeavours to prevent or delay this union, which must so much contribute to our glory, and the happiness of our people."

After the letter had been read, the duke of Queensberry addressed the parliament in the following terms:—"My lords and gentlemen,—Her majesty, by her gracious letter, has acquainted you, that the treaty of union between the kingdoms of Scotland and England (pursuant to an act made in your last session) has been happily agreed on, which is now in my lord-register's hands, ready to be laid before you. The lords commissioners for this kingdom have been diligent and zealous in concerting just and reasonable terms; and it must be acknowledged we met with a fair and friendly disposition in the lords commissioners on the other part. The treaty has, with all humility, been presented to the queen, and

was most graciously received; and though no reign was ever so truly great for wise and steady councils, and so many important successes as that of her majesty, yet you see she is pleased to esteem the perfecting of this union as the greatest glory of her reign, being the most solid foundation of a lasting security to the protestant religion and the liberties of Europe, and of peace and happiness to her people. These reasons, I doubt not, will make the treaty acceptable to you; and I persuade myself that you will proceed with such calmness and impartiality as the weight of the subject requires, and as becomes so great an assembly. The lords commissioners for both kingdoms were limited in the matter of church government; for the security of presbyterian government in this church, you have the laws already made for its establishment, the queen's repeated assurances to preserve it, and I am empowered to consent to what may be further necessary after the union. Her majesty has been pleased to recommend to you to make provision for the forces, ships, and garrisons, which is very necessary, the subsidies granted at your last meeting being run out; so I doubt not you will speedily renew them. My lords and gentlemen, I am not insensible of the difficulties that attend the weighty character it has pleased her majesty to honour me with, but, with your favourable assistance (upon which I very much rely), I hope, by my zeal and fidelity for her majesty's service and the good of my country, which are inseparable, to discharge my duty on this extraordinary occasion."

The commissioner's speech was followed, according to the custom of the Scottish parliament, by one from the lord chancellor (Seafeld), which, as it is the last example of these formalities, may also be given entire. He said—"My lords and gentlemen,—It hath been, and is the great happiness of this nation, that the queen our sovereign hath always made it the chief design of her reign, to protect her subjects in the enjoyment of all their rights and privileges; to promote their good, and to establish their peace and prosperity upon sure and lasting foundations. For these ends her majesty, in her most gracious letter, doth, with great earnestness, recommend to you the concluding of the union of the two kingdoms, and has plainly and fully laid before you the great advantages that this union must bring with it to all Britain, and in particular

to this kingdom. The lords commissioners named by her majesty for this kingdom, to treat of this union, have endeavoured to discharge this great trust with all fidelity, and have agreed to such terms and conditions as I hope shall be found just, honourable, and advantageous: the treaty has been already received very graciously by her majesty, and is now ready to be reported to you for your consideration. I do not think it proper at this time to descend into the particular articles of the treaty; I shall only beg leave to say, in general, that it must be of great advantage to have this whole island united under one government, and conjoined entirely in interest and affection, having equality of all rights and privileges, with a free communication and intercourse of trade, which must certainly establish our security, augment our strength, and increase our trade and riches. We can never expect a more favourable juncture for completing this union than at present, when her majesty has not only recommended it, but declared that she will esteem it the greatest glory of her reign to have it perfected; and when the parliament of England has shown their inclinations for it, by removing all those obstacles that did lay in the way of the treaty: and it must also be acknowledged, that the lords commissioners for England did testify their good disposition all along in this affair: and the great and glorious successes wherewith God has blessed her majesty's arms, and those of her allies, give us the hope of a near and advantageous peace, whereby we will be put in the possession and attain to the full enjoyment of all the liberties and privileges of trade now offered by the treaty. The commissioners of both sides have only treated of such things as concern the civil government, liberties, privileges, trade, and taxes; but found themselves limited as to the church government, that being reserved to each kingdom by the respective acts of parliament upon which the treaty proceeded: and you have now not only the laws already made, with her majesty's most gracious repeated assurances for maintaining and continuing presbyterian church government within this kingdom, but this further opportunity of making such conditions and provisions as shall be found necessary for its security after the conclusion of this union, within the limits of Scotland. Her majesty recommends to you to provide the necessary supplies for the troops,

garrisons, and ships: the funds formerly given are expired; and therefore I doubt not but you will easily comply with what is so plainly necessary for the preservation of the public safety, and preventing the designs of enemies now in time of war. My lords and gentlemen, since we have now the opportunity of establishing for ourselves and our posterity, by this union with England, all that concerns our religion and liberties, together with the most valuable privileges of trade, I am hopeful that you will proceed to the consideration of the articles of the treaty in such manner as shall bring it to the desired conclusion; and it cannot but tend to the lasting honour of this session of parliament, to have so happily finished this most important and weighty matter."

After these speeches the treaty of the union was read, and after a short debate it was ordered to be printed, and copies to be delivered to the members of parliament. Parliament then adjourned to the 10th.

It was observed at the opening of this session, that several gentlemen took the oath who had not done so before; so anxious were the jacobites, who were the party that had refused the oaths, to gather all their strength against the union. Nor were they scrupulous in their tactics, for the most unfounded reports and rumours were spread abroad to excite the prejudices of the populace. Among other things, it was given out at this moment, that the Scottish commissioners having had it in their power to obtain most advantageous conditions from England, had been brought basely to submit to the arbitrary designs of some leading men employed in the treaty in England, and had been very slight in their demands, and therefore durst not publish their proceedings till the parliament of Scotland met, intending that then the whole treaty should be rejected, which they pretended would be agreeable to others of the commissioners of both nations. This report was believed by many who were not unfriendly to the union, who consequently were easy and inactive, till too late they perceived the queen and her ministers to be in earnest; and then the jacobites made use of the same rumour to calumniate and reproach the commissioners. Moreover, it was said that the printing of the articles, which the opponents of the union afterwards claimed as their act, was introduced against their design; for, at their private meetings, the question was put

—how to delay the printing of the articles, or any further proceedings in order to gain time, till the parliament of England should meet, which was then prorogued to the 23rd of October?—so that both parliaments sitting together, they expected to confound the measures for carrying on the treaty by mutual proposals, doubts, &c. The meeting on the 10th of October was taken up with private business, and it was not till the 12th that the second reading of the articles of the union was proposed. This proposal met with great opposition, the opponents of the union urging that time should be given for consulting principals or constituents; and some went so far as to acknowledge, that the power of a member of parliament was limited by his constituents; and that the parliament could not lawfully debate, much less determine, an affair of such a nature as this, which they called destroying the constitution, without consulting and obtaining the consent of their constituents. It was replied that, in the first place, this was not destroying the constitution; and that, secondly, the parliament was particularly called by her majesty for this end, and the work expressed in the proclamation for their election; and that therefore they were particularly elected by their constituents for this work, and thereby empowered to debate and conclude it without further powers. After a long and warm debate, the motion for the second reading of the articles was carried by the large majority of sixty-four. The jacobites, who were popularly celebrated for anything but fasting, now astonished even themselves by proposing a general fast, which occasioned some debates, and considerable merriment, so that some could not be convinced that it was intended for anything but banter; and it was observed, that the most sober and religious members, both of the nobility and gentry, opposed this motion in the house, which they saw was only intended to procure delay and impede the progress of the question before them.

At the next meeting (on the 15th of October), the opponents of the measure moved for a delay of eight days for further deliberation; but, after some debate, this was overruled, and it was decided by a considerable majority to proceed. Accordingly, the first article, asserting the general principle of the union, was read. In another point the opposition were more successful—namely, that the articles, as read this second time,

should not be voted upon severally, but merely discussed, and that none should be voted till all had been read and considered. During this preliminary debate, the neighbouring streets and the doors of the parliament house were exceedingly thronged, the people waiting anxiously to hear whether the first article was voted and approved, or rejected; and when somebody came out and said that the first article was not voted, a report ran through the town that it was rejected, and the mob, who appeared now to be managed by some gentlemen, began to shout, and people believed that the union had been rejected. When, however, the truth was generally known, the populace became more tranquil, and waited to see the final result.

The apprehensions of the presbyterians had now been excited. The commission of the general assembly had sat since the 9th, and had warmly debated the question—in what manner they should behave themselves in this juncture? The result was an address to the parliament, which was presented on the 17th of October, arguing in very temperate language, that the safety of the church should receive due consideration; to which the parliament replied by a declaration that, before concluding the union, the parliament would take this address into consideration, and do everything necessary for securing the true protestant religion and church government as then established by law. The opponents of the union laboured to persuade the presbyterians that this answer was unsatisfactory and disrespectful to the church; and this added to the general excitement. The first eight articles were discussed this day, and each was opposed with more or less warmth. To the third—relating to uniting the parliaments of both kingdoms—it was objected that they had no power to alter the representative of the nation, and that Scotland could not consent to be governed by any other representative than they were now; for, the opposition said, if the parliaments were to be made one, the whole parliament of Scotland ought to be joined to the English parliament, and that Scotland ought no more to abridge her representative than England. Out of doors great use was made of the arguments urged against the articles on taxes, and people were made to believe that their salt, malt, beer, and fish would all be loaded with insupportable taxes, that their whole trade should be ruined, their houses

plundered for taxes, and their people starved. During the debates, rumours reached the ears of the members, that the mob was coming up to the parliament, to demand that the crown and sceptre of Scotland should not be given up and carried away to England. This created some alarm, but it proved not to be correct. On the 19th of October, articles nine to fifteen were read, and the estates separated in the middle of a warm debate on the equivalent, which was resumed at the next meeting, on the 22nd of October. In the course of this debate, which was carried on with considerable heat, the commissioners for the treaty were accused of betraying their country, and having made wrong calculations to the disadvantage of Scotland. The commissioners, in defending themselves against these imputations, offered to go through all the calculations with their opponents. But this was looked upon as an inconvenient course; and at last a committee was appointed for examining the calculations, in which none of the commissioners themselves were allowed to sit. It was also moved that, to assist the said committee, two very able accountants or arithmeticians should be found to examine the calculations; one of which was Dr. James Gregory, professor of the mathematics in the college of Edinburgh, the other, Dr. Thomas Bowar, professor of the mathematics in the college of Aberdeen. The sixteenth and seventeenth articles, relating to the coin and to weights and measures, were read on this day, but occasioned little or no debate. Next day (the 23rd) the eighteenth article of union was again read; and upon reasoning thereon, it was moved—"That the English laws concerning regulation of trade, customs, and such excises, to which this kingdom, by virtue of the treaty, is to be liable, be printed for information; likewise, that it be remitted to a committee to consider the several branches of our trade as to export and import, with the English laws and book of rates in relation thereto, with the customs and excises thereof, for the satisfaction of the members of parliament thereanent, and to cause print such of the acts of the English parliament concerning the same as they find expedient, or to report to the parliament." Both motions, however, were adjourned for further consideration; but the debates upon them were calculated to inflame the populace without. It was remarked, too, that there was a sinister design in the earnestness of the

opposition to print and distribute the English statutes, which were likely to be misunderstood and misrepresented by people in general. The question of salt was made as much of as possible; for the poor seemed to be concerned in it, and the agitators against the union pretended that they were labouring mainly for the relief and ease of the poor. This was taking and engaging with the common people, and as much use was made of it as if the salt had been a principal part of their food, and the duty so great, that the poor must have been starved if they had paid it.

We must here interrupt the narrative of the proceedings in parliament, to describe the agitation without, which on this day (the 23rd of October) manifested itself in a scene of alarming turbulence. The leaders of the opposition, especially the jacobites, who were now extraordinarily popular with the mob, were industriously feeding the flame; and it was said that they had a design of overawing the parliament, and compelling it to reject the measure. The motion for a fast, which at first met with ridicule on account of the party with whom it originated, had been revived, and it was finally ordered by the commissioners of the general assembly, and observed with great solemnity in the capital. As this was usually resorted to on occasions when the country was threatened with some extraordinary danger, and the opposition believed that it would increase the popular aversion to the measure, they hoped to increase their hold upon the people by the solemnity of the fast, and by the warmth of the ministers who, they expected would, in the pulpit, run out against the treaty, and thus increase the popular hostility to the union, and perhaps lead to some violent measures for preventing it. But the ministers prudently abstained from any strong expressions with regard to the union, and merely asked in their prayers—"That all the determinations of the estates of parliament with respect to a union with England, might be influenced and directed by divine wisdom, to the glory of God, the good of religion, and particularly of the church of Scotland."

The grand centre of popular agitation was furnished by the dukes of Hamilton and Athol, who were the violent and constant declaimers against the union in parliament, and who were attended by the mob whenever they appeared in the streets, and escorted with loud cheering and other de-

monstrations of approbation. Hamilton, who was, through some cause or other, lame, was carried to and from the parliament house in a chair, and was therefore a more marked object for their attention. On the 22nd of October, they followed the duke's chair from the parliament house through the city, as far as the Abbey gate, where they were stopped by the guards; but on their way back, they were heard to threaten, that the next day they would come in greater numbers, and pull the *traitors*—as they called the *treaters* of the union at London—out of their houses, and put an end to the union itself. Accordingly, on the 23rd, as the parliament sat somewhat late, the people gathered in the streets and about the doors of the parliament house, and the Parliament-close was so crowded, that the members could not go in or out without difficulty. When the duke of Hamilton came out of the house, the mob huzzaed as formerly, and followed his chair in very great numbers. The duke, instead of going to the Abbey, as usual, went up the High-street, to the Land-market, and so to the lodgings of the duke of Athol. While he remained there the mob, which waited round the door, kept rapidly increasing in numbers, until it amounted to several thousands, when they determined to put in execution their threat against the commissioners. They began with sir Patrick Johnston, although he had always been a very popular man: they first attacked his lodgings with stones and sticks, but his windows being too high, they proceeded up the stairs to his door, and began to hammer at it with sledges, or great hammers; and if they had broken it open in their first fury, he had, without doubt, been torn in pieces. But his lady, in the utmost terror, came to the window with two candles in her hand, that she might be known, and cried out, “for God's sake to call the guards;” upon which an apothecary of the town, who knew her voice and saw the distress she was in, ran immediately to the town guard; and after the lord provost's order had been obtained, captain Richardson, with about thirty men, marched to the spot, and making his way through the crowd, reached the foot of the staircase, cleared the stairs of the rioters, and secured six of them in the act of assaulting the door. Sir Patrick Johnston was thus saved from further molestation; but the mob, by this time prodigiously increased, went roving up and down the town, break-

ing the windows of the members of parliament, and insulting them in their coaches. They put out all the lights in the streets; and it being now about eight or nine o'clock at night, they were for awhile absolute masters of the city; and it was reported, that they were going to shut up all the ports. The duke of Queensberry, informed of their design, sent a party of the foot-guards, who took possession of the Netherbow. The rioters, however, still continued masters of the city, and went roving about the streets till midnight, frequently beating drums, and raising more people. Up to that hour, Queensberry had thought it advisable not to employ the military; but finding that the city authorities were powerless, and being informed that a thousand of the seamen and rabble from Leith were coming to reinforce the rioters, he at last sent for the lord provost, and demanded that the guards should march into the city. The lord provost, after some difficulty, yielded; and, about one o'clock in the morning, a battalion of the guards entered the town, marched up to the Parliament-close, and took possession of all the avenues of the city, in consequence of which, the mob, overawed, gradually dispersed, and so the tumult ended. The foot-guards, and two other regiments of foot, did now constant duty in the city, viz., the regiments of Strathnaver and Grant; the horse-guards attended the commissioner, the other battalion of guards at the palace, and the garrison at the castle. By this timely act of vigour, there can be no doubt that the city and the government were saved from more serious disasters. The next day the parliament did not sit; but a great council was assembled, where the measure Queensberry had taken in bringing the guards into the city, was ratified and approved, and a proclamation was published for suppressing tumults. The populace, however, remained in a state of bitter exasperation, and dark and mysterious threats were heard, while the popular attendance on the duke of Hamilton was more numerous and noisy than ever.

On Friday, the 25th of October, when parliament met again, the lord chancellor announced that he was directed by the lords of her majesty's privy council, to acquaint the parliament, that upon occasion of a rabble and tumult that happened in Edinburgh on the Wednesday night, by which several members of parliament were

threatened and insulted, the privy council had, for the security of the members of parliament, and peace of the town, brought in a part of the foot-guards to the town of Edinburgh, and had issued forth a proclamation against such tumultuary meetings, in the terms of several acts of parliament. It was therefore moved—"That the estates of parliament being sensible of the care and concern of the lords of privy council to suppress the late tumult and mob, and to secure the safety and quiet of the parliament, that therefore they should return to their lordships the thanks of the parliament; and should recommend to my lord high commissioner and the privy council, to continue their care for the safety and security of the parliament, and the peace and quiet of the town." This motion was carried by a considerable majority; but the earl of Errol, as lord high constable, gave in a protestation, in the following terms:—"That he, for himself, and in name of such as should adhere to his protestation, protested, that the continuing of standing forces within the town of Edinburgh, and keeping guard with them in the Parliament-close, and other places within the town, the time of parliament (as at present is done), is contrary to the right of his office as high constable; by which he has the only privilege of guarding the parliament without doors, as the earl marischal has within doors, and is an encroachment on the rights and privileges of parliament, and on the particular rights and privileges of the town of Edinburgh; and if any vote shall pass contrair to his said right, or the right of the earl marischal, or rights and privileges of parliament, or the town of Edinburgh, that it shall not in any time hereafter prejudge the same, or be any ways drawn in consequence." It was remarked that this was the first protest in the Scottish parliament, in the proceedings with regard to the union.

The debate upon this matter was long and somewhat angry; so much so, indeed, that it seemed as though some of the opponents of the union were disappointed that the tranquillity of the capital had been restored. The marquis of Annandale was the first who objected to the proceedings of the commissioners: he pleaded that it was an encroachment upon the liberty of parliament, and upon their freedom of speech, that the house was to be held in awe by soldiers, which was bringing upon them arbitrary government. Several speeches

were made to the same purpose; and one noble person said he could perceive the difference already in the votes of the house, and that the influence of the soldiers had altered the matter. Another ground of objection was the infringing the privileges of the city of Edinburgh; but the magistrates having declared themselves satisfied of the necessity of the case, and the impossibility of keeping the peace without the intervention of the soldiery, that objection was also overruled. The guards continued at their posts, and the respective regiments relieved one another with beat of drum, which effectually prevented any further riot; but their behaviour in other respects was so peaceful, and so unintruding, that they gave no tangible pretext for a complaint. This was also a disappointment to the jacobites, who are said to have proposed a protest against the introduction of the military as an act of violence on the parliament, and so to leave the house in a body, pretending they were under the power of the army.

The remaining articles of the union were read at meetings on the 28th, 29th, and 30th days of October. On the 1st of November, it was moved—"That the parliament now proceed to the further and more particular consideration of the articles of union, in order to approve them or not, and to begin with and read the first article." Upon this the opposition made another attempt at delay, and, on the pretence that the English parliament ought to take the priority in declaring their opinion on the union, they moved—"That the further consideration of the articles of union be yet delayed for some considerable time, that the sentiments of the parliament of England thereanent be known; and that the members of parliament may consult those whom they represent." In support of this motion, a number of petitions against the union, from various parts of the country, were presented and read, and it was urged that the real sentiment of the country was contrary to that of its representatives. It having been decided to proceed with the articles, a new dispute arose, whether they should begin at the beginning or in the middle, some urging that they should settle the particulars before they entered upon the general question, while others pleaded that it was useless entering upon the terms of a union before they had decided whether they would have a union or not. This question also was decided against the oppo-

sition, and it was resolved to proceed with the first article next day. The opposition then again brought up the question of the church, and next rested their hostility to the measure that it was contrary to the claim of right. The debate was long and very warm, and it was remarked as a proof of the force of party feeling, that persons now acknowledged the claim of right who had never acknowledged it before. The most remarkable feature of this day's debate was the speech of lord Belhaven, which presented a kind of summary of the most powerful arguments against the union, and was so much talked of at the time, that it deserves to be given entire. He said—“My lord chancellor,—When I consider this affair of a union betwixt the two nations, as it is expressed in the several articles thereof, and now the subject of our deliberations at this time, I find my mind crowded with a variety of very melancholy thoughts; and I think it my duty to disburden myself of some of them, by laying them before, and exposing them to the serious consideration of this honourable house. I think I see a free and independent kingdom delivering up that which all the world hath been fighting for since the days of Nimrod; yea, that for which most of all the empires, kingdoms, states, principalities, and dukedoms of Europe, are at this very time engaged in the most bloody and cruel wars that ever were—to wit, a power to manage their own affairs by themselves, without the assistance and counsel of any other. I think I see a national church, founded upon a rock, secured by a claim of right, hedged and fenced about by the strictest and pointedest legal sanction that sovereignty could contrive, voluntarily descending into a plain, upon an equal level with Jews, papists, Socinians, Arminians, anabaptists, and other sectaries, &c. I think I see the noble and honourable peerage of Scotland, whose valiant predecessors led armies against their enemies upon their own proper charges and expenses, now divested of their followers and vassalages, and put upon such an equal foot with their vassals, that I think I see a petty English exciseman receive more homage and respect than what was paid formerly to their quondam Macallanmores. I think I see the present peers of Scotland, whose noble ancestors conquered provinces, overrun countries, reduced and subjected towns and fortified places, exacted tribute through the

greatest part of England, now walking in the court of requests like so many English attorneys, laying aside their walking swords when in company with the English peers, lest their self-defence should be found murder. I think I see the honourable estate of barons, the bold asserters of the nation's rights and liberties in the worst of times, now setting a watch upon their lips and a guard upon their tongues, lest they be found guilty of *scandalum magnatum*. I think I see the royal state of boroughs, walking their desolate streets, hanging down their heads under disappointments; wormed out of all the branches of their old trade, uncertain what hand to turn to; necessitated to become apprentices to their unkind neighbours; and yet, after all, finding their trade so fortified by companies, and secured by prescriptions, that they despair of any success therein. I think I see our learned judges laying aside their practiques and decisions, studying the common law of England, gravelled with *certioraries*, *nisi priuses*, writs of error, verdicts indovar, *ejectione firmæ*, injunctions, demurs, &c., and frightened with appeals and avocations, because of the new regulations and rectifications they may meet with. I think I see the valiant and gallant soldiery, either sent to learn the plantation trade abroad, or at home petitioning for a small subsistence as the reward of their honourable exploits, while their old corps are broken, the common soldiers left to beg, and the youngest English corps kept standing. I think I see the honest, industrious tradesman, loaded with new taxes and impositions, disappointed of the equivalents, drinking water in place of ale, eating his saltless pottage; petitioning for encouragement to his manufactories, and answered by counter-petitions. In short, I think I see the laborious ploughman, with his corn spoiling upon his hands for want of sale, cursing the day of his birth, dreading the expense of his burial, and uncertain whether to marry or do worse. I think I see the incurable difficulties of the landed men, fettered under the golden chain of equivalents, their pretty daughters petitioning for want of husbands, and their sons for want of employments. I think I see our mariners delivering up their ships to their Dutch partners; and what through presses and necessity, earning their bread as underlings in the royal English navy. But above all, my lord, I think I see our ancient mother, Caledonia, like Cæsar, sitting in the midst of our senate, ruefully

looking round about her, covering herself with her royal garment, attending the fatal blow, and breathing out her last with a *et tu quoque mi fili*.

"Are not these, my lord, very afflicting thoughts? And yet they are but the least part suggested to me by these dishonourable articles: should not the consideration of these things vivify these dry bones of ours? Should not the memory of our noble predecessors' valour and constancy rouse up our drooping spirits? Are our noble predecessors' souls got so far into the English cabbage-stock and cauliflowers, that we should show the least inclination that way? Are our eyes so blinded, are our ears so deafened, are our hearts so hardened, are our tongues so faltered, are our hands so fettered, that in this our day—I say, my lord, that in this our day—that we should not mind the things that concern the very being and well-being of our ancient kingdom, before the day be hid from our eyes? No, my lord, God forbid! man's extremity is God's opportunity: he is a present help in time of need; and a deliverer, and that right early. Some unforeseen providence will fall out that may cast the balance; some Joseph or other will say, 'Why do ye strive together, since you are brethren?' None can destroy Scotland, save Scotland's self; hold your hands from the pen, you are secure. Some Judah or other will say, 'Let not our hands be upon the lad, he is our brother.' There will be a Jehovah-Jireh, and some ram will be caught in the thicket, when the bloody knife is at our mother's throat: let us up then, my lord, and let our noble patriots behave themselves like men, and we know not how soon a blessing may come.

"My lord, I wish from my heart that this my vision prove not as true as my reasons for it are probable: I design not at this time to enter into the merits of any one particular article; I intend this discourse as an introduction to what I may afterwards say upon the whole debate, as it falls in before this honourable house; and, therefore, in the further prosecution of what I have to say, I shall insist upon some few particulars, very necessary to be understood, before we enter into the detail of so important a matter. I shall therefore, in the first place, endeavour to encourage a free and full deliberation, without animosities and heats; in the next place, I shall endeavour to make an inquiry into the nature

and source of the unnatural and dangerous divisions that are now on foot within this isle, with some motives, showing that it is our interest to lay them aside at this time. Then I shall inquire into the reasons which have induced the two nations to enter into a treaty of union at this time, with some considerations and meditations with relation to the behaviour of the lords commissioners of the two kingdoms in the management of this great concern. And lastly, I shall propose a method by which we shall most distinctly, and without confusion, go through the several articles of this treaty without unnecessary repetitions or loss of time: and all this with all deference, and under the correction of this honourable house. My lord chancellor, the greatest honour that was done unto a Roman, was to allow him the glory of a triumph; the greatest and most dishonourable punishment was that of parricide: he that was guilty of parricide was beaten with rods upon his naked body till the blood gushed out of all the veins of his body, then he was sowed up in a leathern sack called a culeus, with a cock, a viper, and an ape, and thrown headlong into the sea. My lord, patricide is a greater crime than parricide all the world over. In a triumph, my lord, when the conqueror was riding in his triumphal chariot, crowned with laurels, adorned with trophies, and applauded with huzzas, there was a monitor appointed to stand behind him to warn not to be high-minded nor puffed up with overweening thoughts of himself, and to his chariot were tied a whip and a bell, to mind him, that for all his glory and grandeur, he was accountable to the people for his administration, and would be punished as other men if found guilty. The greatest honour amongst us, my lord, is to represent the sovereign's sacred person in parliament; and, in one particular, it appears to be greater than that of a triumph, because the whole legislative power seems to be wholly intrusted with him: if he gives the royal assent to an act of the estates, it becomes a law obligatory upon the subject, though contrary or without any instructions from the sovereign: if he refuse the royal assent to a vote in parliament, it cannot be a law, though he has the sovereign's particular and positive instructions for it. His grace the duke of Queensberry, who now represents her majesty in this session of parliament, hath had the honour of that great trust as often, if not more, than any Scotsman ever

had: he hath been the favourite of two successive sovereigns; and I cannot but commend his constancy and perseverance, that, notwithstanding his former difficulties and unsuccessful attempts, and maugre some other specialities not yet determined, that his grace has yet had the resolution to undertake the most unpopular measures last. If his grace succeed in this affair of a union, and that it prove for the happiness and welfare of the nation, then he justly merits to have a statue of gold erected for himself; but if it shall tend to the entire destruction and abolition of our nation, and that we the nation's trustees shall go into it, then I must say, that a whip and a bell, a cock, a viper, and an ape, are but too small punishments for any such bold unnatural undertaking and complaisance.

"That I may pave a way, my lord, to a full, calm, and free reasoning upon this affair, which is of the last consequence unto this nation, I shall mind this honourable house that we are the successors of our noble predecessors who founded our monarchy, framed our laws, amended, altered, and corrected them from time to time, as the affairs and circumstances of the nation did require, without the assistance or advice of any foreign power or potentate, and who, during the time of two thousand years, have handed them down to us a free, independent nation, with the hazard of their lives and fortunes; shall not we then argue for that which our progenitors have purchased for us at so dear a rate, and with so much immortal honour and glory? God forbid! Shall the hazard of a father unbind the ligaments of a dumb son's tongue? and shall we hold our peace when our *patria* is in danger? I speak this, my lord, that I may encourage every individual member of this house to speak their mind freely. There are many wise and prudent men amongst us who think it not worth their while to open their mouths; there are others who can speak very well, and to good purpose, who shelter themselves under the shameful cloak of silence, from a fear of the frowns of great men and parties. I have observed, my lord, by my experience, the greatest number of speakers in the most trivial affairs; and it will always prove so, while we come not to the right understanding of our oath *de fidei*, whereby we are bound not only to give our vote, but our faithful advice in parliament, as we should answer to God; and in our ancient laws the repre-

sentatives of the honourable barons and the royal boroughs are termed spokesmen: it lies upon your lordships, therefore, particularly to take notice of such whose modesty makes them bashful to speak: therefore I shall leave it upon you, and conclude this point with a very memorable saying of an honest private gentleman to a great queen, upon occasion of a state project, contrived by an able statesman, and the favourite to a great king, against a peaceable, obedient people, because of the diversity of their laws and constitutions:—'If at this time thou hold thy peace, salvation shall come to the people from another place, but thou and thy house shall perish.' I leave the application to each particular member of this house.

"My lord, I come now to consider our divisions. We are under the happy reign (blessed be God) of the best of queens, who has no evil design against the meanest of her subjects, who loves all her people, and is equally beloved by them again; and yet that, under the happy influence of our most excellent queen, there should be such divisions and factions, more dangerous and threatening to her dominions than if we were under an arbitrary government, is most strange and unaccountable. Under an arbitrary prince, all are willing to serve, because all are under a necessity to obey, whether they will or not: he chooses therefore whom he will, without respect to either parties or factions: and if he think fit to take the advices of his councils or parliaments, every man speaks his mind freely, and the prince receives the faithful advice of his people, without the mixture of self-design: if he prove a good prince, the government is easy; if bad, either death or a revolution brings a deliverance. Whereas here, my lord, there appears no end of our misery, if not prevented in time; factions are now become independent, and have got footing in councils, in parliaments, in treaties, in armies, in incorporations, in families, among kindred; yea, man and wife are not free from their political jars. It remains therefore, my lord, that I inquire into the nature of these things; and since the names give us not the right idea of the thing, I am afraid I will have difficulty to make myself well understood. The names generally used to denote the factions are whig and tory—as obscure as that of the Guelfs and Gibelins: yea, my lord, they have different significations, as they are applied to

factions in each kingdom; a whig in England is a heterogeneous creature; in Scotland, he is all of a piece: a tory in England is all of a piece, and a statesman; in Scotland, he is quite otherwise, an anti-courtier and anti-statesman. A whig in England appears to be somewhat like Nebuchadnezzar's image—of different metals, different classes, different principles, and different designs; yet, take them all together, they are like a piece of fine mixed drugget of different threads, some finer, some coarser, which after all make a comely appearance, and an agreeable suit. A tory is like a piece of loyal-made English cloth—the true staple of the nation, all of a thread: yet, if we look narrowly into it, we shall perceive diversity of colours, which, according to the various situations and positions, make various appearances; sometimes tory is like the moon in its full, as appeared in the affair of the bill of the occasional conformity; upon other occasions it appears to be under a cloud, and as if it were eclipsed by a greater body, as it did in the design of the calling over the illustrious princess Sophia. However, by this we may see their designs are to outshoot whig in his own bow. Whig in Scotland is a true-blue presbyterian, who, without considering time or power, will venture their all for the kirk; but something less for the state. The greatest difficulty is, how to describe a Scots tory: of old, when I knew them first, tory was an honest-hearted comradish fellow, who, provided he were maintained and protected in his benefices, titles, and dignities by the state, he was the less anxious who had the government and management of the church: but now, what he is since jure-divinity came in fashion, and that christianity, and by consequence, salvation comes to depend upon episcopal ordination; I profess I know not what to make of him; only this I must say for him, that he endeavours to do, by opposition, that which his brother in England endeavours by a more prudent and less scrupulous method. Now, my lord, from these divisions there has got up a kind of aristocracy, something like the famous triumvirate at Rome; they are a kind of undertakers and pragmatic statesmen, who, finding their power and strength great, and answerable to their designs, will make bargains with our gracious sovereign, they will serve her faithfully, but upon their own terms: they must have their own instruments, their own measures; this man must be turned out,

and that man put in, and then they'll make her the most glorious queen in Europe. Where will this end, my lord? Is not her majesty in danger by such a method? Is not the monarchy in danger? Is not the nation's peace and tranquillity in danger? Will a change of parties make the nation more happy? No, my lord, the seed is sown that is like to afford us a perpetual increase; it is not an annual herb, it takes deep root, it feeds and breeds; and, if not timeously prevented by her majesty's royal endeavours, will split the whole island in two.

"My lord, I think, considering our present circumstances at this time, the Almighty God has reserved this great work for us: we may bruise this hydra of division, and crush this cockatrice's egg; our neighbours in England are not yet fitted for any such thing; they are not under the afflicting hand of providence as we are; their circumstances are great and glorious, their treaties are prudently managed both at home and abroad, their generals brave and valorous, their armies successful and victorious, their trophies and laurels memorable and surprising; their enemies subdued and routed, their strongholds besieged and taken, sieges relieved, marshals killed and taken prisoners, provinces and kingdoms are the results of their victories; the royal navy is the terror of Europe, their trade and commerce extended through the universe, encircling the whole habitable world, and rendering their own capital city the emporium for the whole inhabitants of the earth; and which is yet more than all these things, the subjects freely bestowing their treasury upon their sovereign; and above all, these vast riches, the sinews of war, and without which all the glorious success had proved abortive, these treasures are managed with such faithfulness and nicety, that they answer seasonably all their demands, though at never so great a distance. Upon these considerations, my lord, how hard and difficult a thing will it prove to persuade our neighbours to a self-denial bill. It is quite otherwise with us, my lord; we are an obscure, poor people, though formerly of better account; removed to a remote corner of the world, without name and without alliances, our posts mean and precarious; so that I profess I do not think any one post of the kingdom worth the bringing after, save that of being commissioner to a long session of a factious Scots parliament, with an antedated

commission, and that yet renders the rest of the ministers more miserable: what hinders us then, my lord, to lay aside our divisions to unite cordially and heartily together in our present circumstances, when our all is at the stake. Hannibal, my lord, is at our gates; Hannibal is come within our gates; Hannibal is come the length of this table; he is at the foot of this throne; he will demolish this throne: if we take not notice, he will seize upon these regalia; he will take them as our *spolia opima*, and whip us out of this house, never to return again. For the love of God, then, my lord, for the safety and welfare of our ancient kingdom, whose sad circumstances I hope we shall yet convert unto prosperity and happiness! We want no means, if we unite; God blesseth the peacemakers; we want neither men nor sufficiency of all manner of things necessary to make a nation happy: all depends upon management, *concordiæ res parvæ crescunt*. I fear not these articles, though they were ten times worse than they are, if we once cordially forgive one another, and that according to our proverb—'by-gones be by-gones, and fair play to come.' For my part, in the sight of God, and in the presence of this honourable house, I heartily forgive every man, and beg that they may do the same to me; and I do most humbly propose, that his grace my lord commissioner may appoint an agape, may order a love-feast for this honourable house, that we may lay aside all self-designs, and, after our fasts and humiliation, may have a day of rejoicing and thankfulness; may eat our meat with gladness, and our bread with a merry heart; then shall we 'sit each man under his own fig-tree, and the voice of the turtle shall be heard in our land,'—a bird famous for constancy and fidelity. My lord, I shall make a pause here, and stop going on further in my discourse, till I see further if his grace my lord commissioner receive any humble proposals for removing misunderstandings among us, and putting an end to our fatal divisions; upon honour I have no other design, and I am content to beg the favour upon my bended knees." No answer being given to this appeal, lord Belhaven proceeded:—"My lord chancellor,—I am sorry that I must pursue the thread of my sad and melancholy story: what remains, I am afraid, will prove as afflicting as what I have said; I shall therefore consider the motives which have engaged the two nations to enter

upon a treaty of union at this time: in general, my lord, I think both of them had in their view to better themselves by the treaty; but before I enter upon the particular motives of each nation, I must inform this honourable house, that since I can remember, the two nations have altered their sentiments upon that affair, even almost to downright contradiction; they have changed headbands, as we say; for England; till of late, never thought it worth their pains of treating with us; the good bargain they made at the beginning they resolve to keep, and that which we call an incorporating union was not so much as in their thoughts. The first notice they seemed to take of us, was in our affair of Caledonia; when they had most effectually broke off that design, in a manner very well known to the world, and unnecessary to be repeated here, they kept themselves quiet during the time of our complaints upon that head: in which time our sovereign, to satisfy the nation and allay their heats, did condescend to give us some good laws, and, amongst others, that of personal liberties and of peace and war; but England having declared their succession and extended their entail without ever taking notice of us, our gracious sovereign queen Anne was graciously pleased to give the royal assent to our act of security, and to give us a hedge to all our sacred and civil interests, by declaring it high treason to endeavour the alteration of them, as they were then established. Thereupon did follow the threatening and minatory laws against us by the parliament of England, and the unjust and unequal character of what her majesty had so graciously condescended to in our favour: now, my lord, whether the desire they had to have us engaged in the same succession with them; or whether that they found us like a free and independent people, breathing after more liberty than what formerly was looked after; or whether they were afraid of our act of security, in case of her majesty's decease; which of all these motives has induced them to a treaty, I leave it to themselves: this I must say only, they have made a good bargain this time also. For the particular motives that induced us, I think, they are obvious to be known; we found by sad experience that every man hath advanced in power and riches, as they have done in trade, and at the same time considering that nowhere through the world slaves are found to be rich, though they

should be adorned with chains of gold, we thereupon changed our notion of an incorporating union to that of a federal one; and being resolved to take this opportunity to make demands upon them, before we enter into the succession, we were content to empower her majesty to authorise and appoint commissioners to treat with the commissioners of England, with as ample powers as the lords commissioners from England had from their constituents, that we might not appear to have less confidence in her majesty, nor more narrow-hearted in our act than our neighbours of England; and thereupon last parliament, after her majesty's gracious letter was read, desiring us to declare the succession in the first place, and afterwards to appoint commissioners to treat, we found it necessary to renew our former resolve, which I shall read to this honourable house:—

“ ‘Resolve presented by the duke of Hamilton last session of parliament.

“ ‘That this parliament will not proceed to the nomination of a successor, till we have had a previous treaty with England, in relation to our commerce and other concerns with that nation. And farther, it is resolved, that this parliament will proceed to make such limitations and conditions of government, for the rectification of our constitution, as may secure the liberty, religion, and independency of this kingdom, before they proceed to the said nomination.’

“ Now, my lord, the last session of parliament having, before they would enter upon any treaty with England, by a vote of the house, passed both an act for limitations and an act for rectification of our constitution, what mortal man has reason to doubt the design of this treaty was only federal? My lord chancellor, it remains now that we consider the behaviour of the lords commissioners at the opening of this treaty. And before I enter upon that, allow me to make this meditation,—that if our posterity, after we are all dead and gone, shall find themselves under an ill-made bargain, and shall have a recourse unto our records, and see who have been the managers of that treaty, by which they have suffered so much; when they read the names, they will certainly conclude and say, ‘Ah! our nation has been reduced to the last extremity at the time of this treaty; all our great chieftains, all our great peers and considerable men, who used formerly to defend the rights and liberties of the nation, have been all killed and dead

in the bed of honour, before ever the nation was necessitated to condescend to such mean and contemptible terms: where are the names of the chief men of the noble families of Stewarts, Hamiltons, Grahams, Campbells, Gordons, Johnstons, Homes, Murrays, Kers, &c.? Where are the two great officers of the crown, the constable and the marischal of Scotland? They have certainly all been extinguished, and now we are slaves for ever.’ Whereas the English records will make their posterity reverence the memory of the honourable names who have brought under their fierce, warlike, and troublesome neighbours, who had struggled so long for independency, shed the best blood of their nation, and reduced a considerable part of their country to become waste and desolate. I am informed, my lord, that our commissioners did indeed frankly tell the lords commissioners for England, that the inclination of the people of Scotland were much altered of late, in relation to an incorporating union, and that therefore since the entail was to end with her majesty's life, whom God long preserve, it was proper to begin the treaty upon the foot of the treaty the 1604th year of God, the time when we came first under one sovereign; but this the English commissioners would not agree to, and our commissioners, that they might not seem obstinate, were willing to treat and conclude in the terms laid before this honourable house, and subjected to their determination. If the lords commissioners for England had been as civil and complaisant, they should certainly have finished a federal treaty likewise, that both nations might have the choice, which of them to have gone into, as they thought fit; but they would hear of nothing but of an entire and complete union, a name which comprehends a union either by incorporation, surrender, or conquest; whereas our commissioners thought of nothing but a fair, equal, incorporating union: whether this be so or not, I leave it to every man's judgment; but as for myself, I must beg liberty to think it no such thing. For I take an incorporating union to be, where there is a change both in the material and formal points of government, as if two pieces of metal were melted down into one mass, it can neither be said to retain its former form or substance, as it did before the mixture. But now when I consider this treaty, as it hath been explained and spoke to before us these three weeks past, I see the English consti-

tution remaining firm, the same two houses of parliament, the same taxes, the same customs, the same excises, the same trade in companies, the same municipal laws and courts of judicature, and all ours either subject to regulations, or annihilations: only we have the honour to pay their old debts, and to have some few persons present for witnesses to the validity of the deed, when they are pleased to contract more. Good God! what, is this an entire surrender? My lord, I find my heart so full of grief and indignation, that I must beg pardon, not to finish the last part of my discourse, that I may drop a tear as the prelude to so sad a story."

This speech was replied to by the earl of Marchmont, whose remarks excited some merriment by their epigrammatic brevity. He said he had heard a long speech, and a very terrible one, but he was of opinion that it required only a short answer, which he gave in these words:—"Behold he dreamed; but, lo! when he awoke, he found it was a dream."

Lord Belhaven's speech was calculated to furnish arguments for disquisition and agitation among the populace, but otherwise it had no great effect. The agitators had so far failed in their design of overawing the parliament by the violence of the mob, a failure which perhaps, as was then stated, was owing partly to the impatience of the mob itself. They had now recourse to another method of outward pressure, which was not so much practised in Scotland, but which had been frequently used in England—the overwhelming parliament with petitions. This was easy to perform in the existing state of excitement, and with the active party agents who were employed throughout the country, and numerous signed petitions from various boroughs and shires soon crowded in. The friends of the measure at first proposed to get up counter-petitions, and some of these would perhaps have been more respectably signed than most of those against the union; but on further consideration, as the signatures would without doubt have been far less numerous, it seemed that this would have been only an avowal of weakness. When parliament met on the 4th of November, before they proceeded in the discussion of the first article of the treaty, addresses against it were presented from the barons, freeholders, and others of the shires of Stirling and Dumbarton, from the magistrates, town-council,

deacons of crafts, and burgesses of Linlithgow, and from the heritors and other inhabitants of the towns and parishes of Dunkeld and Dysart; and as soon as the motion for the approval of the first article had been read, the opposition proposed the following amendment:—"Whereas it evidently appears since the printing, publishing, and considering of the articles of treaty now before this house, this nation seems generally averse to this incorporating union in the terms now before us, as subversive of the sovereignty, fundamental constitution, and claim of right of this kingdom, and as threatening ruin to this church as by law established; and since it is plain, that if a union were agreed to in these terms by this parliament, and accepted of by the parliament of England, it would in no sort answer the peaceable and friendly ends proposed by a union, but would, on the contrary, create such dismal distractions and animosities amongst ourselves, and such jealousies and mistakes betwixt us and our neighbours, as would involve these nations into fatal breaches and confusions; therefore, resolved, that we are willing to enter into such a union with our neighbours of England, as shall unite us entirely, and after the most strict manner, in all their and our interests of succession, wars, alliances, and trade, reserving to us the sovereignty and independency of our crown and monarchy, and immunities of the kingdom, and the constitution and frame of the government both of church and state, as they stand now established by our fundamental constitution, by our claim of right, and by the laws following thereupon; or resolved, that we will proceed to settle the same succession with England, upon such conditions and regulations of government, within ourselves, as shall effectually secure the sovereignty and independency of this crown and kingdom, and the indissoluble society of the same, with the fundamental rights and constitutions of the government both of church and state, as the same stands established by the claim of right, and other laws and statutes of this kingdom." Not content, however, with this amendment, as it was seen that the government had a decided majority in the house, the duke of Athol gave in the following protest, before the amendment or the motion was put to the vote:—"That he for himself and all others who shall adhere, protested, that an incorporating union of the crown and kingdom

of Scotland with the crown and kingdom of England, and that both nations should be represented by one and the same parliament, as contained in the articles of the treaty of union, is contrair to the honour, interest, fundamental laws, and constitution of this kingdom, the birthright of the peers, the rights and privileges of the barons and boroughs, and is contrair to the claim of right, property, and liberty of the subjects, and third act of her majesty's parliament, 1703, by which it is declared 'high treason in any of the subjects of this kingdom, to quarrel, or endeavour by writing, malicious and advised speaking, or other open act or deed, to alter or innovate the claim of right, or any article thereof;' and reserving liberty to him and his adherents to renew their protestation against farther proceedings in the said matter, and to adjoin their reasons for the same, and desired this his protestation to be marked in the records of parliament." On a division, the first act of the union was approved and agreed to; but the duke of Athol's protest was signed by the following noblemen and others, whose names may be given once for all, as nearly the same persons signed all the numerous protests which followed. The signatures were those of the duke of Hamilton, the marquis of Annandale, the earls of Errol, Marischal, Wigtoun, Strathmore, Selkirk, and Kincardine, viscounts Stormont and Kilsyth, the lords Semple, Oliphant, Balmerino, Blantyre, Bargany, Belhaven, Colvin, and Kinnaird; George Lockhart, of Carawarth; sir James Foulis, of Collingtoun; Andrew Fletcher, of Saltoun; sir Robert Sinclair, of Longformacus; sir Patrick Home, of Rentoun; John Sinclair, younger, of Stevenson; John Sharp, of Hoddam; Mr. Alexander Ferguson, of Isle; John Brishain, of Bishoptoun; Mr. William Cochran, of Kilmaronock; sir Humphrey Colquhoun, of Luss; John Grahame, of Killairn; James Grahame, of Bucklyvie; Thomas Sharp, of Houstoun; sir Patrick Murray, of Auchtertyre; John Murray, of Strowan; John More, of Stonywood; David Beaton, of Balfour; Mr. Thomas Hope, of Rankeillor; Mr. Patrick Lyon, of Auchterhouse; Mr. James Carnegie, of Phinhaven; David Grahame, younger, of Pintrie; James Ogilvie, younger, of Boyn; Mr. George Mackenzie, of Inchcoulter; Alexander Robertson, Walter Stuart, Alexander Watson, Alexander Edgar, John Black, James Oswald, Robert Johnstoun, Alexander Duff, Francis Mollison, Walter

Scot, George Smith, Robert Scot, Robert Kellie, John Hutchison, Mr. William Sutherland, Archibald Shiels, Mr. John Lyon, George Spence, Mr. William Johnstoun, Mr. John Carruthers, George Home, John Baine, and Mr. Robert Frazer. After this article had been agreed upon, an overture for an act for security of the true protestant religion and government of the church, as by law established within this kingdom, was read, and ordered to be printed.

The debate on this day had been so warm, that at the next meeting little more was done than presenting addresses against the union, and passing the act for the security of the true protestant religion and government of the church through a first reading. This act occupied parliament during several successive meetings, while the addresses against the union became more numerous every day. In the course of the debate on the act for the security of the church, it was remarked that those who spoke most warmly for the church were those who were known to care really least about it, and indeed that the episcopalians were more forward in the support of presbytery than the presbyterians themselves. This act was finally passed on the 12th of November, but a paper was given in by lord Belhaven, purporting, "That he did protest in his own name, and in name of all those who shall adhere to him, that this act is no valid security to the church of Scotland, as it is now established by law, in case of an incorporating union, and that the church of Scotland can have no real and solid security by any manner of union, by which the claim of right is unhinged, our parliament incorporated, and our distinct sovereignty and independency abolished."

Finding themselves in a clear minority in parliament, the opponents of the union now had recourse again to their old tactics of delaying the proceedings, and it was not till the 15th of November that the second article of the union was brought under consideration. The opposition now pretended a great anxiety for the settlement of the succession, and the marquis of Annandale brought forward a motion, "That the parliament do proceed to settle the succession upon regulations and limitations in the terms of the resolve given in and narrated in the minutes of the 4th of November instant, and not in the terms of the second article of union." It was also moved, "To address her majesty,

and to lay before her the condition of the nation, and the great aversion in many persons to an incorporating union with England, and to acquaint her majesty of the inclinations and willingness to settle the succession in the protestant line, upon limitations; and in order thereto, that some recess be granted." These motions gave rise to another warm debate, and, seeing the question would be carried against them, the opposition gave in a protest to the following effect:—"That no person can be designed a successor to the crown of this realm after the decease of her majesty (whom God long preserve), and failzieing heirs of her body, who is successor to the crown of England; unless that in this present session of parliament, or any other session of this or any ensuing parliament during her majesty's reign, there be such conditions of government settled and enacted as may secure the honour and sovereignty of this crown and kingdom, the freedom, frequency, and power of parliament, the religion, liberty, and trade of the nation, from English or any foreign influence."

On this occasion the lord Belhaven seconded the marquis of Annandale, in a speech which was calculated, like the former, for popular effect, and which was likewise printed for distribution. He said—"My lord chancellor,—Your lordship may remember the last day when we had under consideration whether to proceed to the fourth or second article, that I did witness my concern and resentment, to find so many honourable and worthy members of this house so forward to finish the demands of England in this treaty, without taking notice of any one article that could be properly said to relate to the demands of Scotland. Now that we are entered upon the second article, I desire to be resolved in one question—what are the motives that should engage us to take England's succession upon their own terms? Is it not strange that no answer should be given to this question; save that, when you come to consider the rest of the articles, you shall be satisfied on that demand. This is a new way of arguing, my lord; a method without precedent, reversing nature, and looks more like design than fair dealing. I profess I think the huge and prodigious rains that we have had of late, have either drowned out, or found out another channel for reasoning than what was formerly; for by what I can see by this new method, the agreeing to the

first article shall be found a sufficient reason why we should agree to the second, and the agreeing to the second for the third, and so for all. If there was ever such a farce acted; if ever reason was Hudibrased, this is the time: consult all the treaties since the beginning of the world to this day, and if you can find any one precedent, I shall yield the cause. I shall instance, my lord, one for all; and that is, the first and worst treaty that ever was set on foot for mankind; and yet, I am sorry to say it, there appears more ingenuity in it than in our procedure. When the serpent did deceive our mother Eve, he proposed three advantages before he presumed to advise her to eat the forbidden fruit: the first was taken from the sight, the second from the taste, and the third from the advantage following thereupon. That from the sight was enforced by a 'Behold, how lovely and comely a thing it is! it's pleasant to the eye.' That from the taste, from a persuasion that it was good for nourishment—'It's good for food.' That from the advantage—'It will make you wise, ye shall be as the gods; therefore, upon all these considerations, eat.' Allow me, my lord, to run the parallel of this with relation to our procedure in this treaty. Upon the first account that our nation had of the treaty's being finished betwixt the two nations, people appeared all generally very well satisfied, as a thing that would tend to the removal of all jealousies, and the settling a good understanding betwixt the two kingdoms; but so soon as the articles of the treaty appeared in print, the very sight of them made such a change as is almost inconceivable; they were so far from being pleasant to the eye, my lord, that the nation appears to abhor them. One would think, my lord, that it had been the interest of those who are satisfied with the thing, to have gone immediately into the merits of these particular articles which relate to Scotland, and to have said, 'Gentlemen, be not affrighted with their ugly shape, they are better than they are bonny; come, taste; come, make a narrow search and inquiry; they are good for Scotland; the wholesomest food that a decaying nation can take: you shall find the advantages, you shall find a change of condition, you shall become rich immediately; you shall be like the English, the most flourishing and the richest people of the universe.' But our procedure, my lord, hath been very far from the prudence of the serpent; for all our arguments have run

upon this blunt topic—‘Eat, swallow down this incorporating union; though it please neither eye nor taste, it must go over: you must believe your physicians, and we shall consider the reasons for it afterwards.’ I wish, my lord, that our loss be not in some small manner proportionable to that of our first parents; they thought to have been incorporated with the gods: but in place of that, they were justly expelled paradise, lost their sovereignty over the creatures, and were forced to earn their bread with the sweat of their brows. My lord chancellor, I have heard a proposal made from the other side, by the marquis of Annandale—that, in place of agreeing to this second article, wherein the succession is to be declared, as a consequence of our being united to England in one kingdom, we should immediately go to entail our crown upon the illustrious family of Hanover, upon such conditions and limitations as are in our own power to make, for the security of our sacred and civil concerns. I think this is the import of what his lordship gave in, by a resolve formerly, and hath told this honourable house, that he thinks he acts consequentially to his former declared principles, and that this is now the only measure which can settle and secure the peace and quiet of this nation, and fix a firm security for the protestant interest, and a perfect understanding betwixt the two nations. I have also heard a discourse by his grace the duke of Hamilton, showing, that ever since his grace had the honour to be a member of this honourable house, he had made it his business to serve the sovereign and his nation faithfully and honestly, without any by-ends, by-views, or self-interests; that before the affair of the succession was tabled in Scotland, he had endeavoured to promote the interest of his nation by good laws, and by the best counsels he was capable to give, for rectifying things amiss, and advancing the solid interest of his country; that since the affair of the succession came to be considered, he could never give himself the liberty to believe but that previous to any settlement, we ought to have had such condescensions with relation to trade and commerce from England, as might retrieve the losses the nation hath sustained from them ever since the union of the two crowns under one sovereign; and that thereupon, to prevent all faction and party in the treating of an affair of such importance, he had freely left the nomina-

tion of the lords commissioners to her majesty, and wishes the choice had been answerable to his design; but none can accuse him as bargaining for himself, since he has no reason to complain of the breach of any stipulation upon that head; that now, having considered the articles of this treaty lying before us, and the fatal consequences that may follow upon the finishing of an incorporating union with England, with the general aversation that appears by the addresses from the several shires of the kingdom, and particularly from the address of the commission of the general assembly, and of the royal boroughs of Scotland, he finds it necessary to alter his thoughts of that matter; that he was none of those who loved to keep things loose and in confusion: he had an estate in both kingdoms, and therefore it was not to be supposed he would make use only of a treaty to throw out the succession one-time, and of the succession to throw off the treaty another time. Therefore, to prevent worse consequences, he is content, that in this parliament the succession be declared and settled upon the illustrious princess Sophia electoress of Hanover, and the heirs of her body, upon such conditions and limitations as shall be found necessary by this parliament, to secure our civil rights and liberties, the independency and sovereignty of the nation, and the presbyterian government of this church, as it is founded upon the claim of right, and established by law, and whose privileges and settlement he resolves to support with the utmost of his power. And therefore, his grace thinks himself obliged, with all humility in this present juncture of affairs, to address himself particularly to his grace my lord commissioner, and to beg of his grace, that he would be pleased to acquaint her majesty with the true state of the nation, and with the proposal made for allaying the present ferment, and settling a solid peace and good understanding betwixt her two kingdoms, and that a small recess may be granted in the meantime, till her majesty’s gracious answer come, which, with all submission, he conceives will prevent these bad consequences that the further pushing on of this treaty may occasion. I think, my lord, this is materially what his grace said, though not so fully nor so well expressed. Now, my lord, it remains that I give account of myself, and of my own opinion of this affair: all who know me, my lord, know that I have been from the beginning on a

revolution foot; I ventured my life and fortune with the first, and I have ever since acted consequentially to my principle. It's true, I was never a good courtier under any reign, because I had a rule for my obedience, and never made obedience my rule; my reputation was never stained, nor had I ever any reproach laid upon me, save when I was brought in, head over ears, in a Scots plot, very well known, designed to blast the reputation of a set of people the best affected to the sovereign, and to the true interest of their nation, that ever Scotland bred. What my opinion was with relation to the succession is very well known also: I looked upon limitations with another eye than some others were pleased to do; I was far from treating them in ridicule; because, as all human affairs, they are liable to alterations, and might be taken off: that argument proves too much, and consequently proves nothing at all. Should a man refuse to have a good estate settled upon him, because he may squander it away, and become bankrupt? Must a good law be refused, because it may afterwards be repealed? No, my lord. Where the power is lodged in ourselves, we have all human security imaginable for the thing; it is not so, where the power is lodged in others: therefore I shall always choose that security which depends upon myself, preferable to any other. This, my lord, hath confirmed me that limitations of our own making is the best security; though I always thought them not the full of what we merited for the going into the English succession. For considering the injuries that we have received from them, we ought to have reparation upon this emergent; and I think, without incorporating with them, they might have given us some small encouragement in our trade with them, which would have been profitable unto us, and no manner of way prejudicial unto them, as I can clearly demonstrate if there be occasion for it. But since this is not the proper place nor season for such proposals, I shall go in with the proposal made by the marquis of Annandale, and fortified by his grace the duke of Hamilton; because I think it is the best that we can make of it at this time, the fittest measure to prevent civil wars, allay the ferment of the nation, and far preferable to this incorporating union, which, as to us, in all its clauses, appears to be most unreasonable."

After the presentation of numerous ad-

resses against it, and long and warm debates, the third article of the act was passed on the 18th of November. The following protest was drawn up by the marquis of Annandale:—"Whereas it evidently appears, since the printing, publishing, and considering of the articles of treaty now before this house, this nation seems generally averse to this incorporating union, in the terms now before us, as subversive of the sovereignty, fundamental constitution, and claim of right of this kingdom, and as threatening ruin to this church as by law established. And since it is plain, that if a union were agreed to in those terms by this parliament, and accepted of by the parliament of England, it would in no sort answer the peaceable and friendly ends proposed by a union; but would on the contrair create such dismal distractions and animosities amongst ourselves, and such jealousies and mistakes betwixt us and our neighbours, as would involve these nations into fatal breaches and confusions. Therefore, I do protest for myself, and in the name of all those who shall adhere to this my protestation, that an incorporating union of the crown and kingdom of Scotland with the crown and kingdom of England, and that both nations shall be represented by one and the same parliament, as contained in the articles of the treaty of union, is contrair to the honour, interest, fundamental laws, and constitutions of this kingdom; is a giving up of the sovereignty, the birth-right of the peers, the rights and privileges of the barons and boroughs; as is contrair to the claim of right, property, and liberty of the subjects, and third act of her majesty's parliament, 1703, by which it is declared high treason, in any of the subjects of this kingdom to quarrel, or endeavour by writing, malicious and advised speaking, or other open act or deed, to alter or innovate the claim of right, or any article thereof: as also, that the subjects of this kingdom, by surrendering their parliaments and sovereignty, are deprived of all security, both with respect to such rights as are by the intended treaty stipulated and agreed, and with respect to such other rights both ecclesiastic and civil, as are by the same treaty pretended to be reserved to them. And therefore, I do protest, that this shall not prejudice the being of future Scots parliaments and conventions within the kingdom of Scotland, at no time coming."

The subject of this third article, against

which many of the petitions were particularly directed, was the uniting of the two parliaments, which the opponents of the union called a surrendering the sovereignty of Scotland to the English. The principal arguments they employed were—That uniting the parliament, was actually giving up the constitution of Scotland; that it was subjecting Scotland to England; that it was dangerous to the church of Scotland, whose government was to be subjected to a parliament of episcopal representatives; and that it was contrary to the national oath or covenant. It was further alleged, that whatever agreement was now concluded between the two kingdoms, would never be binding to the new parliament; and that the two kingdoms effectually subjected themselves to the new parliament, all the conditions stipulated on either side to the contrary in anywise notwithstanding. To these allegations it was answered, that the British parliament was absolutely bound by the stipulations of the treaty; and that they being a subsequent power to the two respective parliaments of either kingdom, had no other or farther power to act than was limited them by the stipulations of both kingdoms, all subsequent power being inferior in extent to the power which it derives from. That the parliament of Britain, being the creature of the union, formed by express stipulations between the two separate parliaments of England and Scotland, cannot but be unalterably bound by the conditions so stipulated, and upon which it received its being, name, and authority. To the objection, that there was a surrender of sovereignty and constitution, and that Scotland was to be delivered, bound hand and foot, into the absolute disposal of the English, it was answered, that the union itself constituted the parliament of Britain, by treaty between the two nations, by their heads and representatives, the queen and parliament of each kingdom; that it was brought to pass by mutual altering their respective constitutions, and forming one general constitution upon a treaty of equalities and equivalents, the stipulations of which treaty were agreed to by the constituent parts of the subsequent body. The right of the present respective parliaments, it was said, depended upon the natural right of the freeholders of both kingdoms, which entitled them, by the possession of their lands, to have the free exercise and power of making the laws by which they were to be governed; and the

new constitution, instead of destroying that right, which it could not do, reserved and protected it, it being agreed to limit the exercise of it by such and such forms, and on such and such conditions; which conditions were the limitations of the power of the new parliament, as being the act and deed of the old parliaments, whose constitution was founded on original right. The next popular argument was, that the parliament had not a power to make this union, or, as it was worded in the public addresses, "That it is not in the power of the Scots government to conclude such a union, without a manifest violation of trust, and without doing a manifest act of injustice, oppression, and usurpation against the fundamental rights and liberties of this free kingdom." This was answered by insisting upon the right parliaments had to lessen, enlarge, or limit the representative. Another argument was not pressed in the parliament, but was made much of out of doors—that the church government of Scotland was endangered by the uniting the representative. It was alleged—(1.) That the British parliament being chiefly composed of persons of another communion, might, whenever they pleased, by a majority of votes overpowering the Scots, overthrow their church, introduce episcopacy, and reduce the presbyterians to a toleration, or perhaps worse; and, (2.) That there being twenty-six English bishops sitting in the house of peers, and who were by this treaty to continue sitting there; this was subjecting Scotland, in all its future laws, to the suffrage of bishops, and by consenting to the treaty in which they were established, it was recognising and establishing episcopacy, which was to involve the kingdom of Scotland in national perjury, they being obliged by the national covenant, never to subject themselves to episcopacy, but to their power to reform the churches of both kingdoms.

All these imaginary dangers were multiplied and magnified in the popular discourse out of doors, and the mob began again to assume an alarming character. The rage of the populace was further alimented by continual reports of insurrections in the provinces, and it was fully believed that the force of the country was assembling in arms with the design of marching to the capital and dispersing the parliament. Not only was the commissioner hooted at and insulted as he passed along the streets, but he received almost daily anonymous letters

containing threats of assassination or intimations of personal danger. In consequence of the warm debates on the third article on the 18th of November, the house did not separate until a late hour, and the mob had collected in great numbers, and waited impatiently to hear the result. The darkness of the night encouraged them to greater acts of violence; and when the commissioner came out of the parliament house, they attacked him and his escort with the most opprobrious epithets, and followed them all the way to the palace, pelting them with stones and other missiles, so that the duke of Queensberry himself narrowly escaped severe injury. When parliament met next day, this outrage excited a very unusual sensation, and a committee of inquiry was appointed.

The general terms of the union had now been approved of by the parliament, which proceeded next to the particulars; and the various questions of taxes, trade, and equivalent, caused much discussion in the house, and still more outside. The mob of the capital was now held in awe, but the discontent in the country was assuming a more threatening form. The agitation was greatest in the west, where imaginary fears of the danger of the church acted upon the religious excitability of the Cameronians. Agents were sent through the country who secretly urged them to take up arms under this influence, and they actually chose their officers, formed themselves into regiments, and provided themselves with horses, arms, and ammunition. On the 20th of November, a body of about two hundred men, well armed, entered the town of Dumfries about mid-day, and having made a fire in the market-place, they committed to the flames the articles of the union and a paper containing the names of the commissioners who had negotiated the treaty. They then left the town, after affixing to the cross the following paper, which was subsequently printed and circulated:—"These are to notify to all concerned, what are our reasons for, and designs in, the burning of the printed articles of the proposed union with England, with the names of the Scots commissioners, subscribers thereof; together with the minutes of the whole treaty betwixt them and the English commissioners thereanent. We have herein no design against her majesty, nor against England, or any Englishman; neither against our present parliament, in their acts or actings

for the interest, safety, and sovereignty of this our native and ancient nation; but to testify our dissent from, discontent with, and protestation against, the twenty-five articles of the said union, subscribed by the foresaid commissioners, as being inconsistent with, and altogether prejudicial to, and utterly destructive of, this nation's independency, crown rights, and our constitution laws, both sacred and civil. We shall not here condescend upon the particular prejudices that do and will redound to this nation, if the said union should be carried on according to the printed articles, but refer the reader to the variety of addresses given in to the present parliament by all ranks, from almost all corners of this nation, against the said union; only we must say and profess, that the commissioners for this nation have been either simple, ignorant, or treacherous (if not all three), when the minutes of the treaty betwixt the commissioners of both kingdoms are duly considered; and when we compare their dastardly yieldings unto the demands and proposals of the English commissioners, who, on the contrary, have valiantly acquitted themselves for the interest and safety of their nation. We acknowledge it is in the power of the present parliament to give remissions to the subscribers of the foresaid articles; and we heartily wish for a good agreement amongst all the members of the parliament, so as it may tend to the safety and preservation of both church and state, with all the privileges belonging thereto, within the kingdom of Scotland. But if the subscribers of the foresaid treaty and union, with their associates in parliament, shall presume to carry on the said union, by a supreme power, over the belly of the generality of this nation; then, and in that case, as we judge that the consent of the generality of the same can only divest them of their sacred and civil liberties, purchased and maintained by our ancestors with their blood; so we protest, whatever ratification of the foresaid union may pass in parliament contrary to our fundamental laws, liberties, and privileges, concerning church and state, may not be binding upon the nation, now or at any time to come: and particularly we protest against the approbation of the first article of the said union, before the privileges of this nation, contained in the other articles, had been adjusted and secured; and so we earnestly require, that the representatives in parlia-

ment, who are for our nation's privileges, would give timely warning to all the corners of the kingdom, that we and our posterity become not tributary and bond-slaves to our neighbours, without acquitting ourselves as becomes men and Christians: and we are confident that the soldiers now in martial power, have so much of the spirits of Scotsmen, that they are not ambitious to be disposed of at the pleasure of another nation: and we hereby declare, that we have no design against them in this matter."

The opponents of the union represented this tumult in a far more serious character than it merited, but riots followed which showed the alarming degree of agitation that now prevailed in the west. It is said that the armed Cameronians offered to place themselves under the direction of the duke of Hamilton, and that he secretly encouraged them; that upon this they reconciled themselves with the episcopalians and cavaliers, and that they proposed to march to Edinburgh and dissolve the parliament; while the duke of Athol undertook to secure the pass of Stirling with his highlanders, so as to be master of the communication between the northern and western parts of the kingdom. It appears that seven or eight thousand men were actually ready to appear in arms at the town of Hamilton, for the purpose of marching to the capital, when the duke changed his mind from prudential motives, and privately sent his messengers through the country, with directions to the people to defer their meeting for the present. The more sanguine of the jacobites were indignant at this proceeding, and accused the duke of Hamilton of treachery to their cause; but he alleged in his defence, that the nation was not in a condition to take up arms with any prospect of defence, since English troops had already been detached to the border, and considerable forces might quickly be brought over from Holland to join with them. A stop was thus put to the design of a serious rising; but the general agitation occasioned several rather violent outbursts, the most alarming of which occurred at Glasgow in the early part of the month of November. The magistrates of this city had hitherto declined addressing the parliament against the union, as most of the royal burghs had done; and when a deputation waited on the provost to urge the propriety of an address, he gave them his reasons for believing that such a

measure was, under all the circumstances, unadvisable. There remained, however, much discontent among the populace of the town, which was worked up to a head by the indiscretion of a presbyterian preacher. On the 7th of November, the day after the fast appointed by the commission of the assembly was kept in Glasgow, the minister of the Tron kirk took for his text the words in Ezra (viii., 21), "And I proclaimed a fast at the river of Ahava, that we might afflict ourselves before our God, to seek of him a right way for us, and for our little ones, and for all our substance." In the course of his sermon, the preacher dwelt upon the sad condition of the time, and told his hearers how forward Glasgow had ever been in the good cause. "Addresses," he said, "would not do, and prayers would not do; there must be other methods: it is true prayer was a duty, but we must not rest there; wherefore," he exclaimed, "up and be valiant for the city of our God!" The sermon ended about eleven o'clock, and the people were so inflamed, that at one o'clock a considerable mob had assembled, and were parading the city with beat of drum.

Next day, the deacons of the trades, with a certain number of the handicraftsmen of the town, came to the council-room in the tolbooth, and the deacons of trades, and some others, leaving the people below, went up to the provost, and demanded very rudely if he would address. The provost calmly replied, that he was not satisfied to address; and the laird of Blackhouse, one of the chief inhabitants, employed many arguments to persuade them to be easy and satisfied, and not to promote any disorders in the city. Meanwhile, the number of the people outside had increased, and they began to be tumultuous; and no sooner did the deacons come out, and report that the provost had refused to address, than they fell to shouting, and raging, and throwing stones, and raised a very great uproar. They first directed their vengeance against the provost; but he found means to withdraw. They then went to the provost's house, broke into it, and took away all his arms, and thence to the laird of Blackhouse's dwelling, and broke his windows. The provost being no longer to be found, the populace proceeded to draw up and sign an address, which was sent with a deputation to Edinburgh. The people now seemed to be satisfied, and the provost, who had fled to Edinburgh, came home again. But

a very trifling incident soon afterwards raised a new flame. One of the magistrates had committed a profligate fellow, named Parker, to the tolbooth for theft, because he had offered to sell a musket, or some other things, stolen from the provost's house during the late tumult. This man lay in the tolbooth for some time: but as people were observed at dusk holding suspicious communication with him through the bars of the prison, the provost, apprehending that the imprisonment of this fellow might be a preface for a new disturbance, resolved to discharge him; but, that it might not seem to be done for fear, took a bond of him to appear again when called for. Among the people who came to talk with him at the grate was one Finlay, who had formerly been a sergeant in Dumbarton's regiment in Flanders, and openly professed himself a jacobite. It was he who told his comrades that the magistrates had taken a bond of Parker; and the next morning Finlay came with a rabble to the clerk's chamber, another office in the tolbooth, where the magistrates met, and there demanded this bond of the clerk. The magistrates, willing to take away all occasions of tumult, ordered the bond to be delivered up. The mob, who had now the full command of the town, still kept together, resolving to insult the provost at his coming out, and accordingly, on his appearance, they gathered about him, thrusting and abusing him, and threw at him stones and dirt. He would have made for his own residence, but the multitude increasing and growing furious, he took shelter in a house, and running up a staircase, escaped the rabble for the time, they pursuing him into a wrong house. Having escaped this imminent danger, the provost was conveyed out of town the next day by his friends, and went for the second time to Edinburgh. The rabble, now entire masters of the town, ranged through the streets, and did what they pleased, no magistrate daring to show his face to them. They soon began to search for arms in all the houses of those that had appeared for the union; upon which the magistrates assembled, and resolved to raise some strength to oppose this violence; and accordingly ordered the town guards to be doubled that night, and removed the place of arms from the usual guard-house to the tolbooth. Orders were accordingly sent to all the captains of the city militia, that each should bring twelve men, such as they could depend upon, to

assist in securing the peace of the city. This select guard, which was independent of the regular guard of the town, was placed in the council-chamber in the tolbooth. The rabble, about nine o'clock at night, gathered about the tolbooth, and seeing a sentinel placed at the top of the stair, Finlay was ordered by the mob to go up and see what they were doing. When he came to the top of the stair, the sentinel challenged him and thrust him back; but he thrust in with the sentinel, and was passing by him, when one of the citizens of the select guard, having made his way through the mob, mounted the staircase, and seeing a fellow assault the sentinel, boldly stepped up to him and knocked him down on the stair-head with the butt-end of his musket, and then gave the alarm to the guard.

The guard, headed by lieutenant Lindsay, an old soldier of king William's, but now a burghess and inhabitant of the city, came and drew up at the foot of the stairs. They immediately charged the rabble, and dispersed them without difficulty; but it was observed that they only fled from the immediate danger, and stood in throngs under the piazzas and in the heads of closes, to see what the guard would do; so that, with one halloo, they could all be together again in a moment. Upon this a party was ordered down every street to clear the piazzas and closes, and see the rabble effectually dispersed, which they did, but were all the way assaulted from the houses and out of the closes with stones; several were wounded, and some were much hurt. The peace was thus kept, by the watchfulness of the select guard, during the nights of Saturday and Sunday. On Monday, the magistrates summoned the town-council, and sending for the deacons of the trades, took into consideration what course should be followed to secure the peace of the city, and protect the magistrates and inhabitants from plunder and insult. The deacons subtilly, and as appeared designedly (at least such of them as were in the design), proposed that the select guard should be omitted; and made a sort of promise, that if any tumult happened, they would come to the town guard with their men to defend the city. As this was agreed to, the mob thus became virtually masters of the city; and Finlay, who had made himself one of their leaders, set up a guard at the upper end of the town, near the cathedral, as it were in opposition

to the town guard. For a week there was no further disturbance, but people were amused with reports of risings in different places, especially at Hamilton, where it was said that a large force was assembled ready to proceed to Edinburgh against the parliament. Finlay gave out that he would march with all the men of Glasgow to meet their brethren at Hamilton on the same design; and "having brought the folly and madness of the poor people to such a height, Finlay actually gets together about forty-five men, for that was the most of the great army he raised; and on the Friday following, this contemptible wretch having made himself their general, marches out of the city with them for Hamilton: they were armed with muskets and swords, such as they had taken out of the magistrates' houses; and (wherever he procured it, for every one knows he had it not of his own) he distributed to every man a dollar; and thus in arms against their native country and the protestant religion, these poor deluded people marched away, under the command of an abject scoundrel wretch, that openly professed himself a jacobite, and that, with his goodwill, would have seen all the presbyterians in Scotland ruined."

After Finlay's departure, the city still remained in the possession of the mob, who kept up their guard, and held out threats of general plunder of all who were opposed to them. The government in Edinburgh, meanwhile, received due information of these events, and were preparing to repress the tumult with as much moderation as possible. By the act of security, any of the nobility, gentry, or towns might meet in arms, muster and exercise their fencible men, and the like, upon any occasion of which they were judges. The danger of such a liberty had been foreseen even by many of those who did not dare to vote against the act; and at this juncture, the parliament passed an act to repeal that part of the act of security, for so long only as the present parliament was sitting. At the same time a proclamation was issued against tumults; and the act of repeal just mentioned, as well as this proclamation, came to Glasgow on the Monday after Finlay's march. The magistrates assembled about ten in the morning, and caused the messenger that brought it to read it at the cross, the magistrates in their places below, and the officers attending as usual, while a vast multitude of people had assembled to hear it.

Before the officer had done reading the act, the people began to shout and throw stones at him. Still he continued reading, and had begun the proclamation against tumults, when the stones came so thick, that he was driven off the stairs. Upon this the magistrates ordered one of the town officers to go up and read, but he in like manner was driven away. Meanwhile the magistrates had sent for the town guard to protect the second officer in reading; and the officer of the guard, seeing the other officer thus ill-treated, commanded his men to fall upon the rabble with the clubs of their muskets, which they did, and knocked down some of them. But the tradesmen that were upon the guard at this critical moment deserted, and refused to obey the command of their officers, which so encouraged the rabble, that they came on again with shouts and huzzas, and with volleys of stones, and drove the few of the guard who remained faithful to their duty off from the street. They retreated into the guard-house, but the multitude broke in upon them and disarmed them. The rabble, now flushed with victory, and in a terrible fury, resolved to storm the tolbooth; and having set ladders to the windows, they broke in and seized two hundred and fifty halberts, which were the town's arms. With these upon their shoulders, in rank and file they roved about the streets, and made their rendezvous at the old castle, where their guard was kept. Here they gave out, that in the afternoon they would come down and plunder the merchants' houses; and accordingly, about three in the afternoon they detached a party of about twenty men armed, some with muskets, some with halberts,—who, with a drum before them, came to the cross, and from thence took their march down the high streets, breaking open doors and houses, pretending to search for arms, but they really stole and plundered whatever came in their way. This continued till ten o'clock at night, when, having obtained above thirty muskets, with some pistols and swords, they marched away with the spoil to their main guard, from whence they beat their tattoo round the town like a garrison.

Meanwhile Finlay, with his army of forty-five, had advanced as far as Kilsyth, on their way to Edinburgh, when he received intelligence of the advance of a detachment of dragoons, joined with some horse grenadiers of the guard, under the command of colonel Campbell, an uncle to the duke of

Argyle. Thereupon, hearing no news of the great parties of five and six thousand, which he had persuaded his men would meet him there, he sent back another ring-leader of the mob named Campbell, to bring up the second body of four hundred men, which was to be ready to follow; "but they thanked him, and staid at home." With the rest he marched to Hamilton, where he arrived on Sunday about noon, the third day after his march from Glasgow. Here he quartered his "army" that night, but still finding no other insurgents to join him, next day he marched back to Glasgow, where he arrived on Wednesday, the second day after the plunderings. "They had halted at Rugland, a borough about two miles from Glasgow, where, as I suppose, they called a council of war among themselves; but, being all voters, they agreed upon nothing but to march home, which accordingly they did; and in order of battle entered the city, and marched directly up to their main guard aforesaid: here they made, says my author, their rendezvous, having not thought fit to keep the field any longer." The insurgents had now time to reflect, and, soon convinced of the folly of their proceedings, on Thursday morning they resolved to separate and lay down their arms, which accordingly they did very quietly and calmly, delivering up their arms to the deacons of their trades. About two hours after they had done this, the dragoons entered the town, to the number of about two hundred and twenty men. They had marched with great secrecy all night, and suffered nobody to pass by them to carry notice before of their coming. When they approached the city, colonel Campbell detached an advanced party of twenty-five dragoons, under the command of lieutenant Pollock, who knew the town and the house where Finlay lived. Pollock accordingly entered the town, and halted just at Finlay's door, and rushing in with two or three dragoons, they found Finlay and one Montgomery, another of the ring-leaders, sitting by the fire, both of whom they seized. By this time the whole body had entered the city, and marched down to the cross, where they drew up in the street.

"The mob of the city were in no small consternation, as may well be supposed, at this appearance; and several, whose guilt gave them ground to think of the gallows, made the best of their way out of the town; there was no appearance of any

rescue, and the dragoons commanded the people off the street, and to keep their houses; two fellows had the boldness to beat a drum in two several parts of the city, but the gentlemen they called for had more wit than to come, and the drummers, with very much difficulty, narrowly escaped being killed. The dragoons having secured their prisoners and mounted them on horse-back, with their legs tied under the horses bellies, never so much as alighted or baited their horses, but marched away the same afternoon to Kilsyth. As they were going away they had some stones thrown at them from the tops of houses, and some that were straggling behind had like to have been knocked off their horses; but six or seven dragoons coming back, they were fetched off without hurt. No sooner were they gone out of the town but the drums beat again in all the streets, and the rabble got together with all the rage and venom imaginable, and coming to the magistrates, they told them in so many words that they should send some of their number to Edinburgh immediately, for that if they had not their two men delivered to them, they would pull their houses down about their ears. Some have blamed the magistrates for sending to Edinburgh; but if such would consider circumstances, how the dragoons were gone, they had an enraged mob to deal with, and no strength to defend themselves, it cannot but be thought the gentlemen were in the right to comply with the juncture of the time, and gratify rather than exasperate them, when they were absolutely in their power. The magistrates, however, according to the command of their masters, the mob (for such at this time they were), sent away two of the baillies of the town, and some of the deacons of trades went with them, but they soon came back again as wise as they went, having received a severe check from the council by the mouth of the lord chancellor; and it was once within a little of their being committed to prison with the others."

While these tumultuous proceedings were taking place in the west, the Scottish kirk was not without its champions, who had authority to protect its interests in a wise and legal manner. It had been of late times the custom of the general assembly to appoint a committee of its members to act in its name during the interval between its meetings; and this committee was now assembled in Edinburgh. Some attempt

was made to draw it into a violent declaration against the union, but without success; and on the 8th of November, they agreed to what was entitled, an "humble representation and petition," in which they represented, in moderate language, to the queen's commissioner—"That beside the general address already made by us for securing the doctrine, worship, discipline, and government of this church, and now under your consideration, which with all gratitude we acknowledge, there are some particulars which, in pursuance of the design of our said address, we do with all humility lay before your grace and lordships. 1. That the sacramental test being the condition of access to places of trust, and to benefits from the crown, all of our communion must be debarred from the same, if not in Scotland, yet through the rest of the dominion of Britain, which may prove of most dangerous consequence to this church. 2. That this church and nation may be exposed to the further danger of new oaths from the parliament of Britain, unless it be provided that no oath, bond, or test of any kind shall be required of any minister or member of the church of Scotland which are inconsistent with the known principles of this church. 3. There being no provision in the treaty of union for securing of this church by a coronation oath, that therefore, in the coronation oath to be taken by the sovereigns of Great Britain, they be engaged to maintain the doctrine, worship, discipline, and government of this church, and the rights and privileges thereof, as now by law established. 4. That in case the proposed union be concluded, the church will suffer prejudice, unless there be a commission for plantation of kirks and valuation of teinds, and making up the registers of that court which were burnt, and a judicatory in Scotland for redressing grievances and judging causes, which formerly were judged by the privy council, such as the growth of popery and other irregularities, and with which judicature the church may correspond anent fasts and thanksgivings. 5. Likewise we do humbly represent, that, in the second part of the oath of abjuration in favour of the succession in the protestant line, there is reference made to some acts of the English parliament, which every one in this nation who may be obliged to take the said oath may not so well know, and therefore cannot swear with judgment. As, also, there seems

to us some qualifications required in the successor to the crown, which are not suitable to our principles. 6. And in the last place, in case this proposed treaty of union shall be concluded, this nation will be subjected, in its civil interests, to a British parliament; wherein twenty-six prelates are to be constituent members and legislators; and lest our silence should be construed to import our consent to, or approbation of, the civil places and power of churchmen, we crave leave, in all humility and due respect to your grace and honourable estates of parliament, to represent, that it is contrary to our known principles and covenants, that any churchman should bear civil offices, or have power in the commonwealth. These things we humbly beseech your grace and lordships to consider, and provide suitable remedies thereto. And we shall pray that the only wise God may so direct and guide your grace and lordships in these and all other matters that lie before you, that the result of your consultations may be the glory of God, the advantage of religion, the peace and comfort of her majesty (whose long and prosperous reign we heartily pray for), the preservation of peace and truth in both kingdoms, and the welfare of this church and nation in particular, the satisfaction of all who truly love and fear the Lord therein, the peace of your own consciences, and your comfort in the day of your accounts."

This paper was signed in name of the commission of the general assembly, by Mr. William Wishart, minister of Leith, a man of great wisdom and moderation, who was moderator of the assembly and of the commission, or committee. In spite of the apparent reasonableness of these representations, there were some of the lay elders on the committee who thought them unnecessary or ill-timed, among whom we find the venerable names of Marchmont and Baillie of Jerviswood. These, on the 12th of November, drew up a protest in the shape of "Reasons against the representation and petition," which reasons were—"1. The commission of the general assembly having already addressed the parliament, for securing the doctrine, worship, discipline, and government of this church, and that address being read in the house upon the 17th of October last, the parliament did thereupon declare, that, before concluding the union, they would take the said address into their consideration, and would do every-

thing necessary for securing the true protestant religion and church government presently by law established in this kingdom; which assurance, we conceive, the commission may very well rely upon, seeing it is not to be doubted that the parliament will, in due time, when the address is taken into consideration, make all necessary provisions for securing our religion and church government by law established; and it may be construed jealousy, or diffidence in this commission, to press and pursue the said address further, before it appear what steps and progress the parliament shall make upon it, especially seeing there are so many elders of this commission who are members of the house, and, being heartily concerned for the church's interest, will certainly take care that nothing be omitted or forgot to be represented in parliament which is necessary for the church's security. 2. The parliament having, upon the 15th of October last, voted to proceed presently to the consideration of the articles of the treaty of union, which might be known to all by the published minutes, we conceive it not decent or suitable to the prudence of this commission to present a new address relating to the subject of the former, whereby the house may be impeded in its procedure, which may cause a longer delay of considering the first address, by occasioning new questions and debates in the house. 3. The sixth article of the now intended address contains matters which, we conceive, are not within the sphere and compass of the commission's business prescribed to them by the general assembly. Yet a wide step is made in quarrelling and objecting to the constitution of the parliament of England, the representative of that nation, with which this is now in a treaty about a union; likewise in that article the form and frame of the civil policy and government of England, in the extent and latitude of it agreeable to its laws, is reflected upon and challenged; all which, in our opinion, insinuates a blaming and condemning our parliament for treating of a union with a kingdom so circumstantiated as England is. 4. Whatever the constitution of the parliament of England now is, and whatever may be the constitution of the parliament of Great Britain after the union, the present legal establishment of our church is not alterable by it, that being without the bounds of the treaty, which can reach no further than the civil policy and government of the united king-

dom; besides that our legal establishment will no doubt be further fenced and fortified, when the commission's address is taken into consideration by the parliament. 5. The parliament having, upon the 4th of this month, voted that the two kingdoms of Scotland and England shall, upon the 1st day of May next ensuing, and for ever after, be united into one kingdom by the name of Great Britain, with this provision—that if the articles of union be not adjusted by the parliament, then the agreeing to and approving of the first shall be of no effect—we apprehend it may be of dangerous consequence to present now any address which may admit of a construction opposite to that vote in parliament; and certainly it would not be excusable in any who are members in the house, to concur in an address of that sort. So being fully persuaded that the way of proceeding by the new address now intended will tend to the great disadvantage and prejudice of the church as now established, and of the presbyterian interest, we found ourselves obliged to enter our dissent, and to protest." The names attached to this protest were—"Rothes, Marchmont, Polwarth, George Baillie, Alexander Ogilvie, J. C. Auchinbreck, J. Campbell."

As this protest was persisted in, the commission of the general assembly thought it necessary to reply to the reasons of the protesters, which they did in the following manner:—"It was a great grief to the commission, when it pleased some of our honourable friends of the ruling elders to protest against the vote, whether the sixth article of the commission's second address should be added to the other articles formerly agreed to; and it doth add no little to our grief that a paper is given in with reasons against the whole address; whereas they may remember the first three of the articles of the said address were unanimously agreed unto before. We do sincerely profess we have such a sense of, and confidence in, the kindness of these noble and honourable persons to this church, that it afflicts us when in anything we cannot comply with their opinion; but we hope they will excuse us when purely our conscience towards God maketh us differ. We heartily wish this debate sopite, and that yet it would please them to take up this paper; perhaps, on more mature and second thoughts, they may see there is no ground to be so severe against our second address,

as to censure it as jealousy or diffidence of the parliament, or our friends in it, as in the first reasons; and of indecency and unsuitable to prudence, as reason second; or dangerous and such as may be construed as contrary to a vote of parliament, November the 4th, as in reason fifth. For the first address being general, the second was but a humble representation of some particulars we humbly desired might be minded, when it pleased the parliament to resume the consideration of the first address, leaving the time to the wisdom of the parliament, we being far from any design to occasion delay or debate; and it hath pleased the parliament to insert divers of the things there desired in the act for the security of the church, and we would gladly hope they will consider the rest of them in due time. But we conceive it is the sixth article against which the chief offence is taken, and against which the third and fourth reasons are levelled: but our honourable friends know there had been much reasoning on that head for divers days; and when there was no appearance of unanimity, how could the commission shun a vote for decision of the difference? Nor can we be persuaded that the commission went in their vote without the sphere and compass of the business prescribed to them by the general assembly, or made a wide step in quarrelling and objecting to the constitution of the parliament of England, as is alleged in reason third. For it was oft told in the conference and debate, we did not meddle with the constitution of the parliament of England as the parliament of England, though we cannot command our judgment to an approbation of it; nor do we speak anything against treating with the parliament of England as the representative of that nation; nor doth it blame our parliament for treating with them, for they treat with the parliament of Scotland as the representative of the nation, which as theirs is in its frame established by the laws of the land, yet a regulation thereof is treated of for constituting the British parliament. Why then should there be so much offence taken, that in due season, before the conclusion of the treaty, it is humbly represented to the parliament, that, in case the proposed treaty of union be concluded, this nation will be subjected in its civil interests to a British parliament, wherein twenty-six prelates are to be constituent members and legislators? We do not speak in that sixth article of the legal

establishment of our church; and so the fourth reason toucheth not this point. And could anything be more modestly exprest than this is by the commission in their address, in these words:—‘And lest our silence should be construed to import our consent to, or approbation of, the civil places and power of churchmen, we crave leave, in all humility and due respect to your grace and honourable estates of parliament, to represent that it is contrary to our known principles and covenants, that any churchman should bear civil offices, or have power in the commonwealth.’ Nor can we see how this address doth of its own nature tend to the disadvantage of the established church and presbyterian interest. But, as we have charity towards them, we expect the same charity towards us, acting purely from conscience towards God; and we entreat and expect the continuance of their kindness to this church.”

Thus the matter stood when the act for the security of the church was under the consideration of parliament. By this the presbyterian form of church government, and the Westminster confession of faith, were confirmed and declared to be unalterable, and an obligation to this effect was to be introduced into the coronation oath. But the proposal for a clause dispensing with the test was rejected. Lord Belhaven entered a protest against this act, as falling short of the security which the church required.

The tumults in the country had caused some interruption in the parliamentary debates on the articles of the union, which were partially laid aside whilst the house was considering of a proclamation against tumultuary and irregular meetings of the lieges, and an act for suspending the effect of that clause in the act of security for arming and exercising the fencible men. Both were warmly opposed by the opposition, and especially by the cavaliers; but it can hardly be doubted that many, whose aversion to the union was less decided, began to be alarmed at the turbulent spirit which was manifesting itself, and to regard the incorporation of the two kingdoms with more favour. After these matters had been settled, the parliament proceeded to the articles of the union concerning trade and taxation, which were the subject of much discussion, and of great misrepresentation. Many of the questions involved in them were referred to committees, and some few amendments were carried, but in general

the fairness of the terms agreed to by the commissioners seems to have been acknowledged. Several of the amendments were intended as protections against dangers which it was imagined would arise from the omnipotence of a British parliament; for, as Defoe tells us, the opposition "had encouraged all manner of jealousies of the British parliament; the people had received no notions but of Scotland's being always oppressed by them, both in civil and religious concerns; and that therefore nothing was to be left to them. That the British parliament was to be fenced against as a declared enemy, and the representatives of Scotland being like to be but a few—viz., forty-five to five hundred and thirteen, they were to be crushed by number, outvoted, and disregarded in everything relating to Scotland."

On the 7th of December, the parliament had arrived at the fifteenth article of the treaty, which brought on the subject of the equivalent, or, as the opposition represented it, the payment of England's debts with Scottish money. Within the house, the question appears to have been tolerably well understood by everybody, and the committee appointed to examine into the proposal of the treaty, gave without hesitation the following report:—"The committee of parliament, to whom the considering of the calculation of the equivalent was remitted, having considered the report made to them by Doctor James Gregory, professor of the mathematics in the college of Edinburgh, and the report made by Doctor Thomas Bowar, professor of the mathematics in the college of Aberdeen, of their several and respective examinations of the calcul, and grounds thereof, whereupon the commissioners, in treating the article for establishing the equivalent, did proceed; and also having considered the report of the sub-committee thereanent, they find, that the computation of the equivalent mentioned in the article is just, and that the calcul is exact, and well founded in the terms and in manner expressed in the said article." It was accordingly agreed to by the house, though not without much opposition and debate, and with the following protest from lord Belhaven:—"I do protest in my own name, and in the name of all those who do adhere to this my protest, that the voting and agreeing to the first clause of the fifteenth article of the treaty of union, doth no ways infer any manner of consent or

agreement that Scotland should be liable to the English debt in general, but that it may be lawful to object against any branch of the said debt not already determined."

This protest was also signed by the duke of Hamilton, the earl of Selkirk, the lord Saltoun, Andrew Fletcher, of Saltoun; sir Humphrey Colquhoun, of Luss; David Bethun, of Balfour; major Henry Balfour, of Dunboig; Mr. Thomas Hope, of Rankeilior; Alexander Watson, and Mr. Robert Frazer.

Out of doors, the discussions on this question were extremely violent; for as it was an intricate one depending on minute calculations, it was easily confused, and the opposition writers and agitators spread through the kingdom all sorts of misrepresentations. They asked, why should Scotland concern itself in paying England's debts at all? and, in reply, they represented that England should pay her own debts, and keep her own money, and the like; that to make Scotland pay taxes, and then give her an equivalent, was doing nothing as to equalities; for that though it might be an equality, nationally speaking, it had no personal justice or equality at all, since the private persons that should pay it, would never receive any equivalent for the injury they received. To this the government writers replied by arguments like these. No communication of the trade of England, they said, can be given to the subjects of Scotland, unless we are satisfied to pay equal customs and duties upon export and import, and equal excises; for otherwise, the merchants residing in Scotland would be put in a condition to ruin the whole trade of England. An equality of excises in both kingdoms, is as necessary as an equality of customs; for not only all immediate burdens on trade are to be regarded, but even those things which affect and influence trade. Supposing a federal union to be practicable, still we must undergo the burden of equal customs and excises, otherwise there could be no communication of trade. A great part of the English customs and excises is appropriated towards payment of their debts; so that the paying of the English debts and the paying of equal customs and excises, are almost reciprocal terms to signify one and the same thing; or otherwise, that these customs and excises paid after the union, will be appropriated towards paying our own debts, which is the same. These debts (being after the union

to be called the debts of Great Britain) are so necessary and inevitable burdens on Scotland, that neither by an incorporating or federal union with England, can Scotland be free of them; since they are included and wrapped up in the very notion of equal customs and excises. It follows, therefore, that since under any union, with a communication of trade, we must be subjected to equal customs and excises, and that a great part of these is applied towards payment of the debts of England, a provision should, in common justice, be made to Scotland for reimbursing what we shall be charged on the score of these debts, which by this article of the treaty is called an equivalent. This equivalent, it was added, is so contrived and adjusted, that thereby we cannot properly look on ourselves as engaged in the English debts; for no man can be properly said to pay a debt for another, when the money is either advanced beforehand to the payer, or at farthest, the next moment after it is paid out; which will be Scotland's case.

These arguments satisfied the more reasonable part of the nation, the more so as the communication of trade was one of the advantages of the union to which the Scots looked forward most eagerly. But the mob caught up the notion that all the money in Scotland was to be taken up to pay the debts of England, and became furious against the commissioners, who, they said, had betrayed and sold them; and, while under debate in the house, this question created an extraordinary excitement through the whole kingdom.

In the course of these discussions, the opponents of the union endeavoured, on all occasions, to introduce amendments or insist on stipulations which they believed would be distasteful to England, and which, therefore, they hoped would lead to the rejection of the union by the English parliament. Thus, there was a clause in the treaty for the reserving all private rights; and some of these private rights amounted to exemption from certain customs and excises, as particular privileges to this or that place or person; as at Glasgow, for encouragement of their sugar-works, they were exempted from paying excise for the spirits they distilled from the molasses, bottoms, scummings, &c.; and so several towns were exempted from particular customs. These exemptions were of course to be continued, in accordance with the clause alluded to. There were some pri-

vate rights, of a similar character, in England, and one of these especially affected the Scots; for the city of Carlisle, and the family of sir Christopher Musgrave, had an ancient right of taking toll of all the cattle which passed from Scotland to England, over such passes or bridges as were in their lordships. The Scottish parliament decided on demanding that this toll should be taken off; and as this amounted to refusing to the English the reservation of private rights which they claimed themselves, the opposition imagined this would form an obstacle in the way of agreement. They were, however, disappointed by an unexpected proceeding on the part of the English parliament, which passed an act for purchasing of the city of Carlisle and the family of sir Christopher Musgrave the private rights in question, and thus making them public. This question of the exportation of cattle was one of great importance to Scotland, as it formed the main property of many of the great landholders, especially in the north, all their rents being paid in cattle, for which they had no other vent or market but by sending them into England; so that any tax or toll being hereafter laid on them, might entirely put a stop to it, and consequently impair, and almost ruin the estates of the gentry and nobility of Scotland. To prevent this, a particular clause was added to the act of union, providing "that, from and after the union, no Scots cattle carried into England shall be liable to any other duties, either public or private, than the cattle of England." Another question, of which the opposition made much, was that of the exportation of wool, in which Scotland had, before the union, a free exportation to France, which produced the main part of the incomes of the gentry of the south and west parts of Scotland, such as in Roxburghshire, Selkirk, Tweeddale, and Galloway, whose estates very much consisted in the product of their sheep. These gentry would receive a severe injury by placing the wool of Scotland under the same regulations of restraint which had been placed on that of England for the support of the woollen manufacture of that country, and which would necessarily lower the marketable price of the article. This, no doubt, would be a hardship; and the parliament proposed as a remedy an allowance, by way of equivalent, to be given to such gentlemen that were sheep-masters as should suffer by the falling of the

price of their wool. But it was debated in what manner that equivalent should be given; for, to give to particular persons such and such a sum of money, seemed partial, and short of the design; as it would be some personal satisfaction indeed, but no national satisfaction. It was therefore proposed to appropriate the money to such gentlemen who, being wool-masters, would apply the money to the manufacturing of their wool in their own country, which would have the effect of increasing the consumption of the wool, and employing the poor of their respective counties in a new national manufacture. The opponents of the union argued warmly for a freedom of exportation of wool, and insisted on making it a clause in the articles; for they knew that the English, who had made it felony, and always prohibited the export of their wool under the greatest penalties, could not agree to such an article, and that on this rock the attempt at a union would be entirely wrecked. They therefore urged that this liberty of exporting wool might be restricted to Scotland only; that it was absolutely necessary to Scotland, for that they could not manufacture all their wool in their own country; that their wool was coarse, and did not injure the English trade, since all the English manufactures were of fine wool; that, if Scotland could not manufacture their wool, nor be suffered to export it, their wool would be useless; that the manufactures now set up in Scotland being chiefly fine goods, were generally made of English wool, and, after the union, the wool from England being brought in, their own would be of no value. To these arguments it was answered—That, to allow the exportation of wool from Scotland only, would oblige the government to keep still on the borders an army of officers, to search and examine the passage of all goods passing between the kingdoms, and keep up that distinction of kingdoms, which, as to trade as well as government, was to be wholly taken away by the union; and that, after all, it would be impossible to prevent the carrying of wool into Scotland, and consequently the exportation of English wool with, or instead of, Scots wool. Moreover, it would oblige the government of Britain to a strict prohibition of the bringing any English wool into Scotland after the union, lest the same should be exported, which, after its being in Scotland, could not be so distinguished as to be prevented; and this prohibition would

rob Scotland of all that advantage which it is proposed she should enjoy after the union, by her people being employed in the manufacturing of English wool. Further, this would destroy all freedom of commerce and communication of trade between the kingdoms, as all vessels to and from Scotland must be visited and searched equally with strangers, which would cause continued jealousies of, and watchings against, clandestine trade. Lastly, it was inconsistent with the public good of Scotland in its proportion, as much as of England, and that it would effectually destroy the hopes of Scotland's increasing in manufactures, and encouraging her trade by the employment of her poor. With regard to the consumption, it was urged, that England was always a market for wool, where it might be sold at as good prices as the wool of England, in proportion to its fineness. It was finally agreed that an equivalent should be given, but that it should be given on the condition of setting the poor to work in their respective counties, which would have the double advantage of furnishing employment and subsistence to the poor, and consuming the wool at home, which did away with the pretended necessity of exporting it to other countries. The duty on salt was another subject of considerable discussion, as a very large portion of the exports of Scotland consisted in salted meat and fish.

While these debates were going on, the opponents of the union were industriously preparing a new cause of embarrassment to the government. Every day had brought, from different parts of the kingdom, a certain number of petitions against the union, which were ordered to lie on the table, and were therefore treated in the light of being under consideration. Letters were now sent round, inviting the subscribers to these petitions, on the pretext that no attention had been paid to them, to repair to Edinburgh in order to back their petitions in person and demand a reply. It was calculated that in this manner an immense concourse of people would be gathered in the capital, and that the parliament and government would be overawed. On the 27th of December, the lord chancellor informed the parliament of these circumstances, and, to meet the danger, a proclamation was immediately brought in and read, against all such meetings and gatherings of the subjects as were unwarrantable, and contrary to law. There was a loud opposition to this procla-

mation, on the ground that the information was not sufficient, upon which the duke of Queensberry stated, that he had information from several corners of the kingdom of the great pains and methods which had been used to procure subscriptions to addresses, and to call into Edinburgh the subscribers against a precise day to back these addresses. The proclamation was agreed to, with, as usual, a protest.

The parliament now returned to the important question of the equivalent, and on the 30th of December they entered upon the discussion of the African company. The commissioners of the two kingdoms had agreed in the treaty that the whole stock of the company should be bought with a portion of the fund granted by England under the title of the equivalent, and that the company itself should then be dissolved. The opposition now opposed the dissolution of the company, urging that it was one of great importance for the welfare of the country, and alleging that it could only dissolve itself. They further demanded that the company should be allowed to appear by counsel and plead its own rights, against the interference of parliament. It was well understood, however, that the object of this motion was not so much to benefit the company as to cause delay, and to raise difficulties in the way of the approval of the act by England. The clause was therefore passed without alteration, and the fate of the African company was sealed. The question of the altered value of the coin, and the various other applications of the equivalents were next discussed. On the 31st of December, the sixteenth, seventeenth, and eighteenth articles of the act of union were passed. On the 3rd of January, the nineteenth article was passed, with an amendment to the effect—"That no writer to the signet be capable to be admitted a lord of the session, unless he undergo a private and public trial on the civil law before the faculty of advocates, and be found by them qualified for the above-said office two years before they shall be named to be a lord of the session;" and with the addition—"That the qualifications made, or to be made, for capacitating persons to be named ordinary lords of session, shall be alterable by the parliament of Great Britain." The twentieth and twenty-first articles of the union were passed on the 6th of January, with the addition of a clause in the first for the preservation of the Scottish

records within the kingdom. They managed also to slip into this article the word "superiorities," which was intended to preserve the oppressive rights of vassalage which the Scottish gentry had over their people.

Next day, the twenty-second article, prescribing the number of peers and of members of the house of commons to be sent by Scotland to the united parliament, came under discussion, and was met by six different protests from the duke of Athol, the earls of Buchan, Errol, and Marshal, George Lockhart of Carnwath, and Walter Stuart, the representative of Linlithgow. Two of these related merely to personal rights, the earl of Errol protesting that his hereditary office of high-constable of Scotland should not be prejudiced by the act of union, and the earl Marshal making a similar protest with regard to his office of great marshal of Scotland. The other four protests were the subject of considerable discussion: it was proposed that they should not be entered upon the rolls, and they were not made public. The numerical proportion of the Scottish representatives in the British parliament was a subject of considerable debate, but no other proportion was proposed, and the number as fixed by the commissioners was finally agreed to. The privileges which were to be enjoyed by the Scottish representative peers caused much debate, but the questions involved, except that of exemption from processes for debt, were rather of a trivial character. The opposition pretended that it was beneath the dignity of a Scottish nobleman to accept a protection against his creditors; while they insisted with great earnestness that the noblemen who were not elected to represent the peerage in the English house of lords, should have the right of sitting in some part of the house and taking part in the debates, though without a vote. The consideration of the twenty-fourth article gave rise, on the 14th of January, to a rather animated debate on the rank and precedence of the heralds, and on the quartering of arms, the standards, and colours, which was referred to the decision of the queen. The keeping the honours, as they termed them (the crown, sceptre, and sword), in Scotland, was looked upon as a material point by the opposition, who tried to alarm the common people with apprehensions that they were to be carried away to England as tokens of surrendering the sovereignty of Scotland to the English. The concluding articles of the

act of union were passed on the day just mentioned, and on the 16th the act "ratifying and approving the treaty of union of the two kingdoms of Scotland and England, was finally approved by the Scottish parliament. Before it passed, two protests were given in which illustrate in a remarkable manner the jealousies of the old Scottish nobility. The first was expressed in the following terms:—"We undersubscribers, tutors, testamentars to his grace the duke of Douglas, whereof three is a quorum, in name and behalf of the said duke; forasmuch as his grace the duke of Douglas, and his heirs, has, by their investitures and honours of the estate of Douglas (in consideration of the great and faithful services done and performed to this crown and kingdom by his ancestors), provided to them the honour of leading the van of the armies of Scotland in the day of battle, the carrying of the crown of Scotland in processions, and giving the first vote in all parliaments, councils, or conventions in Scotland; and sicklike, by the twentieth article of union, all heretable offices are reserved to the owners as rights of property, in the same manner as they are now enjoined by the laws of Scotland, notwithstanding of this treaty; whereby his grace's foresaid offices and privileges, by parity of reason and justice, ought to be preserved. Yet, seeing the entire union of the two kingdoms will be attended with a union of their arms, crowns, and councils, whereby his grace's offices and privileges may seem to be of more difficult explication, his grace's tutors and guardians, in his pupillarity, do now, before the treaty be ratified in this parliament, judge it indispensably their duty, for his grace's interest, in his name and theirs, undersubscribers, as tutors to him, with all

humility, to protest, that the said treaty may not, in any sort, prejudice the honours and privileges belonging to his grace and successors, which have been the glorious rewards and marks of honour to the illustrious families of Douglas and Angus for their loyalty, great and faithful services to the crown and kingdom of Scotland; and that this their protest may be received and marked in the minutes and records of parliament." The other protest was given in by the duke of Hamilton, in these terms:—"Forasmuch as there is a protestation made in behalf of the duke of Douglas, in relation to his pretensions of having the first seat and vote in parliament; which protestation being altogether groundless, therefore I, James duke of Hamilton, do protest in the contrary, in regard that none of the said duke of Douglas his predecessors has, or enjoyed any such privilege since there were dukes or marquises created in Scotland, and my predecessors were dignified with patents of marquis and duke successively long before he or his predecessors had the same. Secondly, William earl of Angus, the said duke his predecessor, did, upon the 4th day of June, 1633, resign all right and claim that he or his predecessors or successors had, or should have, to that privilege of first sitting and voting in parliament, in his majesty's hands; which resignation is registrate in the books of parliament the 20th day of the said month of June, 1633. Thirdly, I and my predecessors have been in continual possession of having the first seat, and of first voting in parliament, and have been first called in the rolls of parliament past memory of man: and upon this protestation I take instruments, and desire the same to be insert in the records of parliament."

CHAPTER XV.

THE ACT OF UNION PASSES THE ENGLISH PARLIAMENT; CONCLUDING PROCEEDINGS OF THE LAST PARLIAMENT OF SCOTLAND.

THE act for a union of the two kingdoms had thus at length passed through the Scottish parliament, and received its final approbation in spite of a storm of opposition

such as probably no other measure ever encountered. This success was no doubt owing in a great measure to the skilful management of the duke of Queensberry; but it must

not be denied that corruption in many forms was employed to gain supporters or paralyse opponents, and that a great portion of the former were actuated by purely interested motives. Twenty thousand pounds of English money, lent privately by the queen to the Scottish treasury, was distributed for the purpose of gaining converts, and government missionaries were employed extensively throughout the country. Some of these were sent among the Cameronians, and, assuming their rigid manner and sentiments, laboured assiduously to persuade them of the sinfulness of their coalition with their old enemies the cavaliers. The shareholders in the African company were in general soothed with the inviting prospect of a complete indemnification for their losses. The fears of the presbyterian clergy in general were appeased by the insertion in the act of treaty of the act which secured to the kirk of Scotland its presbyterian government more effectually than anything that had been done before. Others, who were not affected by any of these considerations, were tempted by the hope held out to them of sharing largely in the distribution of the equivalent. By means like these, several of the political factions were so divided as not to be able to show much strength in parliament, while the whole "squadron," with the earls of Roxburgh and Marchmont, were gained over to support the measure. In spite, however, of all these exertions, Queensberry at one moment despaired of carrying his point, and he expressed to the ministry in England a wish that he should be allowed to adjourn the parliament, in the hope of surmounting during the intermediate vacation the difficulties which seemed to be most formidable. But lord Godolphin, who then held the reins of state in England, and who felt convinced of the necessity of pressing forward the union, without seeing so near at hand the difficulties, urged him to proceed, and to encourage him, besides remitting the money already mentioned, gave directions for having forces ready both in England and Ireland, to counteract the designs of the jacobites.

The opponents of the union had still one hope left, in which they seem to have indulged beyond even the probability of its fulfilment. They imagined that the act, as it then stood, could not be palatable to the English parliament, and they made no doubt, therefore, that it would receive many

amendments which would render it necessary that it should again pass through the parliament of Scotland, which would reject the amendments, and thus the act would be lost. And even if the act itself was not thrown out in this way, so much time would be sacrificed that it could not pass until after the date at which it was fixed to come into operation. But in these expectations they were destined to meet with a signal disappointment. The English parliament had met in a very pliant humour on the 3rd of December, 1706, and the queen in opening it told the two houses that their most important business would be the effecting a union between her two kingdoms. Her speech on this occasion was as follows:—

"My lords and gentlemen,—I hope we are all met together at this time with hearts truly thankful to Almighty God for the glorious successes with which he has blessed our arms and those of our allies through the whole course of this year, and with serious and steady resolutions to prosecute the advantages we have gained, till we reap the desired fruit of them in an honourable and durable peace. The goodness of God has brought this happy prospect so much nearer to us, that if we be not wanting to ourselves, we may, upon good grounds, hope to see such a balance of power established in Europe, that it shall no longer be at the pleasure of one prince to disturb the repose and endanger the liberties of this part of the world. A just consideration of the present posture of affairs, of the circumstances of our enemies, and the good disposition of our allies, must needs excite an uncommon zeal, and animate us to exert our utmost endeavours at this critical conjuncture.

"Gentlemen of the house of commons,—As I am fully persuaded you are all of this mind, so I must earnestly desire you to grant me the supplies sufficient for carrying on the war next year in so effectual a manner, that we may be able to improve everywhere the advantages of this successful campaign; and I assure you, I shall make it my business to see all you give applied to those ends with the greatest care and management.

"My lords and gentlemen,—In pursuance of the powers vested in me by act of parliament both in England and Scotland, I have appointed commissioners to treat of a union between the two kingdoms; and though this be a work of such a nature as could not but be attended with great diffi-

culties, yet such has been the application of the commissioners, that they have concluded a treaty, which is at this time before the parliament of Scotland; and I hope the mutual advantages of an entire union of the two kingdoms will be found so apparent, that it will not be long before I shall have an opportunity of acquainting you with the success which it has met with there. Your meeting at this time being later than usual, I cannot conclude without earnestly recommending to you to give as much dispatch to the public affairs as the nature of them will admit, it being of the greatest consequence that both our friends and our enemies should be fully convinced of your firmness and the vigour of your proceedings."

The act of union passed the Scottish parliament on the 16th of January, 1707, and on the 18th it was dispatched to court. To save time, the queen ordered a copy of it to be laid at the same time before each house, so that both might be proceeding with it at once. It was read in the house of commons on the 22nd of January; and, as the best way to go through the whole, it was ordered that every article should be read and voted upon singly in a committee of the whole house. In the commons, the act met with no opposition, and no amendment or alteration was proposed. In the lords there was a slight show of opposition, which ended in two or three protests. An act for the security of the church of England, which was an exact counterpart of that for the security of the church of Scotland, was also drawn up and passed, and like it, was inserted in the act. On the 4th of March, the whole act had passed both houses, and it received the queen's signature on the 6th. In giving it, she made the following speech to the parliament:—

"My lords and gentlemen.—It is with the greatest satisfaction that I have given my assent to a bill for the uniting England and Scotland into one kingdom. I consider this union as a matter of the greatest importance to the wealth, strength, and safety of the whole island; and at the same time, as a work of so much difficulty and nicety in its own nature, that, till now, all attempts which have been made towards it in the course of above a hundred years, have proved ineffectual; and therefore I make no doubt but it will be remembered and spoke of hereafter to the honour of those who have been instrumental in bringing it

to such a happy conclusion. I desire and expect from all my subjects of both nations, that from henceforth they act with all possible respect and kindness to one another, that so it may appear to all the world they have hearts disposed to become one people. This will be a great pleasure to me, and will make us all quickly sensible of the good effects of this union. And I cannot but look upon it as a particular happiness that, in my reign, so full a provision is made for the peace and quiet of my people, and for the security of our religion, by so firm an establishment of the protestant succession throughout Great Britain.

"Gentlemen of the house of commons,—I have this occasion to remind you of making effectual provision for the payment of the equivalent to Scotland within the time appointed by this act; and I am persuaded you will show as much readiness in this particular as you have done in all the other parts of this great work.

"My lords and gentlemen,—The season of the year being now pretty far advanced, I hope you will continue the same zeal which has appeared throughout this session, in dispatching what yet remains unfinished of the public business before you."

Meanwhile the parliamentary proceedings in Scotland continued, and on the 20th of January the question of the election of the members to represent Scotland in the first British parliament was entered upon. It was generally believed that the queen would, before the 1st of May (when the union was by the act to take place), declare under the great seal of England, that it was expedient that the lords of parliament of England, and commons of the present parliament of England, should be the members of the respective houses of the first parliament of Great Britain, for and on the part of Great Britain; and in anticipation of this, a resolution was now proposed in the Scottish parliament, "that the sixteen peers and forty-five commissioners for shires and boroughs, who are to be the members to the first parliament of Great Britain for and on the part of Scotland, be chosen out of this present parliament; and that the members so chosen, be the members of the first parliament of Great Britain, if her majesty shall declare, on or before the 1st day of May next, that the lords and commons of the present parliament of England, be the members of the first parliament of Great Britain, for and on the part of Eng-

land." After considerable debate, and some counter-resolutions, and two protests by the duke of Hamilton, and Mr. William Cochran, this resolution was agreed to. The duke's protest was as follows:—"I, James duke of Hamilton, do hereby protest for myself, and in the name of all those who shall adhere to this my protestation, against the electing by this present parliament the sixteen peers and forty-five barons and boroughs, who are to represent Scotland in the first parliament of Great Britain, as inconsistent with the whole tenor of the twenty-second article of the treaty of union, and contrair to the express words thereof, whereby it is provided, that after the time and place of the meeting of the said parliament is appointed by her majesty's proclamation, which time shall not be less than fifty days after the proclamation, a writ shall be immediately issued under the great seal of Great Britain, directed to the privy council of Scotland, for summoning the sixteen peers, and for electing forty-five members, by whom Scotland is to be represented in the parliament of Great Britain; and farther, as utterly subversive of the right of election competent to the barons and boroughs of this kingdom, and desire this my protestation may be insert in the minutes and records of parliament, and thereupon take instruments." That of Mr. Cochran was—"I, William Cochran, of Kilmarnock, do protest in my own name, and in name of all those that shall adhere to this my protestation, that the electing of members to represent this part of the united kingdom in the parliament of Great Britain, out of this present parliament, by the members of this house, is contrary to, and inconsistent with the birthrights and privileges of the barons and boroughs of Scotland; that it is contrary to the principles of common law and divers acts of parliament, and directly opposite and contradictory to the express words and meaning of two several paragraphs of the twenty-second article of the treaty of union betwixt Scotland and England, so lately ratified in this house; and I desire this my protestation may be insert in the minutes, and recorded in the books of parliament, upon which I take instruments."

These two protests were printed and spread over the kingdom, and caused some sensation. The party who opposed the union foresaw, that, as they had been outvoted in parliament on every question re-

lating to the union, few or none of them would be named to the first British parliament, which was eventually the case.

The next matter for consideration was the mode of electing the Scottish representatives, and, after a debate on the question whether it should be by ballot or by open election, it was decided in favour of the latter. It had next to be arranged what proportions the barons and boroughs shall have respectively of the forty-five members who were to sit in the house of commons of Great Britain. After some debate, it was decided, on the 26th of January, that the number of the barons, or representatives of shires, should be thirty, and that of the boroughs fifteen.

The mode of electing the peers was not settled without some warm debate, and several plans were proposed. Some were for naming certain noble families, out of which the representatives were to be chosen exclusively, pretending that it was reasonable, since the number of noblemen lately made, and especially in the last thirty or forty years, were but burdensome to the nation, those families newly made noble should relinquish this honour to the ancient nobility, as being inherent in them; and that, since Scotland was to retrench her nobility as to sitting in parliament, it was but just that those should be preferred who had the most ancient title. Others were for dividing the nobility into four classes, and taking every year a proportioned number out of each class. Others again were for taking by rotation, and so, beginning at the extremes, take the families as they rise. None of these plans, however, were adopted, but it was carried that it should be by free election out of the whole number. On account of the reduced number of representatives of shires and boroughs, it was necessary now to join two or three together, in arranging which many local jealousies had to be encountered and overcome. In some cases more than one county must join in electing one member; and the royal boroughs were formed into classes or districts, and were for each district to choose one member. It was alleged that the meeting together of the voters in the said burghs might be both chargeable and inconvenient, and it was therefore proposed that each borough should choose a commissioner, in the same manner as usual, which commissioner was to meet with the commissioners of the other burghs of that district, and these were to choose

the member. A motion was brought forward to deprive peers and eldest sons of peers of the capacity of election as members of the house of commons, which was warmly discussed, and finally rejected. It was alleged in favour of it, that when the influence of the nobility in Scotland came to be considered, with the small number of members to be chosen, it might eventually come to pass that, the lords who were not elected to the upper house being allowed to sit in the commons, Scotland would be represented only by her nobility, and that the nobility in the house of peers, and their eldest sons in the house of commons, might make up the whole representative of Scotland. Against this proposal it was urged, that it had been always allowed in Scotland before, where the eldest sons of peers might be elected, while that in England the eldest sons of peers did sit in the house of commons; and it would break in upon the rule of equalities to alter it, and put the Scottish gentlemen in a worse condition than the English. A note was finally agreed to, to let the right of being elected remain just as it had previously existed, without any alteration at all.

Early in February this act for regulating the manner of election was passed. On the 31st of the previous month a resolution was brought forward, which became the subject of great clamour out of doors. This resolution was—"That the charge of the commissioners sent to the treaty of union on the part of the kingdom of Scotland, who met at London in pursuance of her majesty's nomination by authority of parliament, and of the allowance to the secretary of the said commission, and to the accountants appointed by the said commission, are public debts; and that there be allowed to each nobleman who attended the said treaty at London, the sum of twelve thousand pounds Scots; and to each other of the commissioners attending, the sum of six thousand pounds Scots; and to the secretary of the said commission, the sum of four thousand eight hundred pounds Scots; and to each of the three accountants named by the said commission, the sum of two thousand four hundred pounds Scots; and that the said respective sums be paid out of the sum of £398,085 10s. sterling, mentioned in the fifteenth article of the said treaty of union ratified in this parliament; and that the said sums be ranked and preferred after the sums payable to the pro-

prietors of the African and Indian company of Scotland, *pari passu*, with the first of the public debts appointed to be payable out of the foresaid sum of £398,085 10s. sterling money." This proposal was agreed to, as well as another—"That the commissioners for the treaty in 1702, should have allowance of their expenses in the following proportions: each nobleman five hundred pounds sterling, each baron three hundred pounds sterling, and each borough two hundred pounds sterling."

This was the first step in the distribution of the money voted for the equivalent, and it appeared so selfish to the people, who had been so much incensed against the union, that they set up a general outcry, exclaiming, that the nation might now see what their commissioners had been doing at London, and what they had been pursuing ever since they had sold their country for a sum of money, which they were beginning to share among themselves; they voted for one another, they said, the new commissioners and the old, and were now taking the money to their private uses, which they had promised should be employed in encouraging the manufactures and employing the poor, raising stocks for the woollen trade, and funds for the fishing, which were the specious pretences to cover their own greediness. As this resolution was carried easily, an attempt was made to press another for allowing the Scottish representatives their expenses in attending parliament; but this was thrown out, and appears in fact not to have found many supporters.

Parliament was next occupied with an act for the plantation of kirks and the valuation of teinds (tithes.) It had been the custom in former parliaments to grant a commission to certain of their own members to sit as a court, and to judge and determine of several things relating to the two heads of the plantation of kirks and valuation of teinds: such as the sale and valuation of teinds or tithes in the several parishes; augmentation of the stipends of ministers; prorogation of tacks, or leases of teinds; dividing or disjoining parishes, where they were too large; erecting and endowing new churches; annexing and dismembering churches, and the like. These commissions had been for some time discontinued, and all the registers and rolls of the court were lost in a great fire which happened in the Parliament-house at Edinburgh in the year 1700. This was

looked upon as a great loss to the church of Scotland on several accounts, and, unless some settlement had been made, would have led to much confusion. It was resolved, therefore, that all the powers formerly exercised by the commission of parliament should now be conveyed to some particular court, judicatory, or body of men that should judge and determine in such cases as those mentioned. Some were for having it vested in the church itself and committed to the general assembly; but it was alleged against this, that it would be equivalent to making the church judge in her own cause, and would put too much power into the hands of the assembly. Others proposed that it should be left to the crown to grant commission to proper persons, as the parliament did before; but this was objected against as dangerous to the safety and constitution of the church. It was finally committed to the lords of the session.

On the 13th of February, the house proceeded to the election, from among their own number, of the representatives to the British parliament, each estate respectively making their own election. The members chosen were:—Of the nobility—the duke of Queensberry, lord high commissioner; the earl of Seafeld, lord high chancellor; the marquis of Montrose, lord president of the privy council; the marquis of Tweeddale, the marquis of Lothian, the earls of Mar and Loudon, principal secretaries of state; and the earls of Crawford, Sutherland, Roxburgh, Wemyss, Leven, Stair, Roseberry, Glasgow, thesaurer-depute, and Ilay. Of the barons—William Nisbitt, of Dirletoun; John Cockburn, younger, of Ormistoun, sir John Swintoun, of that ilk; sir William Ker, of Greenhead; Archibald Douglas, of Cavers; William Bennet, of Grubbet; Mr. John Murray, of Bowhill; Mr. John Pringle, of Haining; William Morison, of Prestongrange; George Baillie, of Jerviswood; sir John Johnstoun, of Westerhall; Mr. John Stuart, of Sorbie; Mr. Francis Montgomery, of Giffan; Mr. William Dalrymple, of Glenmure; sir Robert Pollock, of that ilk; John Hadden, of Glenagies; Mungo Grahame, of Gorthie; sir Thomas Burnet, of Leyes; sir David Ramsay, of Balmain; William Seton, younger, of Pitmedden; Alexander Grant, younger, of that ilk; Hugh Ross, of Kilravock; sir Kenneth Mackenzie; Mr. John Campbell, of Mammore; sir James Campbell, of Auchinbreck; James Campbell, younger, of Ardkinglass; James Halyburtoun, of Pitcur;

Alexander Abercrombie, of Glassoch; Alexander Douglas, of Eagilshaw; and John Bruce, of Kinross. Of the boroughs—sir Patrick Johnstoun, lieutenant-colonel John Erskine, Hugh Montgomery, James Scot, sir John Erskine, Mr. Patrick Moncrieff, sir Andrew Home, sir Peter Halket, sir James Smollet, sir David Dalrymple, Mr. John Clerk, Mr. Patrick Ogilvie, George Allardice, Daniel Campbell, and Mr. Alexander Maitland.

The estates had now little but private business before them, and their time was chiefly taken up with the arrangement of the affairs of the African company. On the 26th of February, the committee appointed to examine into the accounts delivered its report to the parliament, and as the affairs of this company had exercised so extraordinary an influence on the fate of Scotland for some years, it may not be uninteresting if we give this report entire:—"The committee to whom it was remitted to consider what the capital stock and interest of the African company may amount to, and how and to whom the same shall be paid, having considered the foresaid remit, with a representation given in to them by the directors of the said company, and the company's books and accounts of money paid in to them, with the instructions relative thereto; and a report of a sub-committee of their number, who did inspect and examine the said company's books, with the said accounts and instructions, and did calculate the sums therein contained, find, that the total capital stock advanced by the proprietors of the said company, with interest thereof at five per cent., from the respective terms at which the same was payable, to the 1st of May, 1707, extends in all to £229,482 15s. 1½d. sterling; and that the total accounts of the debts due by the company, the instructions whereof were also produced to and considered by the committee, extends in principal and interest, to the sum of £14,809 18s. 11d. sterling; both which sums together amount to £244,292 14s. and five-sixths of a penny sterling; out of which sums is to be deducted, of money lent to several of the proprietors, with the interest thereof, the sum of £1,126 13s. 9½d; so that there remains yet due to the proprietors of the said company, of net balance, upon the 1st of May next, the sum of £243,166 0s. 3d. sterling; which sums the committee are of opinion should be paid in to the company, or those

commissioned by them, out of the equivalent upon the 1st day of May next. And the committee are of opinion, that the court of directors and council-general nominate some particular persons, who shall be authorised to receive the hail capital stock and interest payable to the company, from the commissioners to be appointed for the equivalent, and who shall be empowered to grant a discharge thereof, with absolute warrandice; and that the said persons so to be named, in conjunction with a committee of parliament, to be named as overseers, shall be liable for the said money being truly applied and paid to the proprietors without loss, delay, or defalcation; and that the receipts granted by the company's cashiers, or extracts of the proprietors' payment out of their books, shall be a sufficient instruction of each man's share, to entitle them to demand payment thereof, which extracts shall be given gratis; and that the certificate, or extract out of their books, shall be a sufficient warrant for a charge of horning for payment of their shares, against the persons to be named who receive the money. And the committee are of opinion, that Gavin Plummer and Andrew Cockburn, who were cashiers of the said company when the sums of money foresaid were paid in to the company, should now be the cashiers and tellers for receiving the sums above written from the commissioners of the equivalent, and for paying out and delivering the same to the respective proprietors and others deriving right from them, upon the said Gavin Plummer and Andrew Cockburn, their finding sufficient caution of their faithfulness in performing the premises in the same manner as they found formerly; and in case the said sum be not paid at the said 1st of May next, to the persons foresaid, then, and in that case, the committee are of opinion, that the sum of £155,054 15s. and two-thirds of a penny, as a part of the said total sum due and payable at the said 1st day of May next, should bear annual rent from and after the said 1st day of May, during the nonpayment thereof; and that the annual rent after the 1st of May foresaid, effeiring (*belonging*) to the said sum of £155,054 15s. and two-thirds of a penny, should be paid out of the equivalent, in the same manner, and to the same persons, as the principal sum and annual rents due before the said 1st of May next. And also the committee find, that the debts due to the company, by the proprietors, of their

subscription money, with interest till the 1st of May next, extends to the sum of £22,951 3s. 3 $\frac{1}{2}$ d.; which sum, the said committee are of opinion, needs not to be sought in from the said debtors, in regard the same behoved to be paid back to them, and would increase the capital stock due to the company. And the committee find, that the dead stock belonging to the said company, and consisting of the ship *Caledonia*, lying in the river of Clyde, with her furniture, guns, and apparelling; that lodging at the back of Milns-square, over against the Tron kirk, with some little household plenishing therein, and the company's share of the cargo of the *Speedwell*, shipwrecked in the East Indies, effeiring to the stock of six hundred pounds sterling; with the burden of cellar-rent of the stores of the *Caledonia*, and the expenses of keeping the said ship after the 1st of May; and of the freight, seamen, and factors' wages of the said cargo of the *Speedwell*, and other supervenient charges upon the said ship and cargo, doth, in the whole, extend to £1,654 11s. and two-thirds of a penny sterling; as to which, the committee having considered, that the commissioners of the council-general and directors, who are to receive the money, and grant discharges thereof, are not only to be bound in absolute warrandice by the said discharges, but be obliged to give personal attendance, both at receiving in and giving out the said money, and to keep an office for that effect, and to pay cashiers, tellers, and book-keepers, and to provide books, chests, and other conveniences for receiving and keeping the money until it be paid out; and will be likewise obliged and burdened to employ advocates, writers, and other persons, for advising the discharges to be granted at receiving and paying out of the money, and defending processes on competition of rights, or making up of sufficient titles in the persons of those who are to receive out the money; and the necessary attendance and loss of time of the said commissioners of the council-general and directors, both for bygones and in time coming, and the losses upon telling, at receiving in and giving out of the money; the said committee are of opinion, that the foresaid dead stock, extending in all, with and under the said burden, to the said sum of £1,654 11s. and two-thirds of a penny sterling, ought to be allowed to the said company, and retained by them for the

ends and uses foresaid, and particularly to enable the council-general and directors of the said company to pay such necessary allowances and satisfaction to the several gentlemen who suffered in their persons and goods for the company's services, as their services, losses, and sufferings do justly merit. And the committee having considered the act of parliament establishing the company, privileges therein contained, and that part of the representation relating thereto, they are of opinion that, when the company is dissolved, and the capital stock and interest paid in by the commissioners, and others entrusted with the equivalent, to the hands of the commissioners appointed by the council-general and directors to receive the same, every proprietor's share may be recovered out of the hands of the said commissioners, to be appointed by the said council-general and directors, as other money belonging to private persons."

At length, on Wednesday, the 19th of March, the duke of Queensberry rose in his place as high commissioner, and said—"My lords and gentlemen,—I have received by her majesty's command an exemplification, under the great seal of England, of the act passed in the parliament of that kingdom, ratifying the treaty of union in the same terms as the treaty was passed here. Her majesty orders it to be inserted in the books of parliament, and to remain with the records of this kingdom; for which end I have put it in my lord clerk-register's hand. My lords and gentlemen, it is a great satisfaction to the queen, that the union is thus happily concluded in her reign; and I am commanded by her majesty to assure you, that nothing shall be omitted on her part, to make the whole island feel the good effects of it. And as I doubt not but the finishing of this great affair is acceptable to you, so I hope you will study to promote a cordial union with our neighbours, for the greater happiness and advantage of both kingdoms." Then the exemplification of the act of parliament of England ratifying the treaty of union betwixt Scotland and England, under the great seal of England, was read, and ordered to be recorded. At the same time the act for securing the protestant religion and presbyterian church government; that ratifying and approving

the treaty of union of the two kingdoms of Scotland and England; and the act for settling the manner of electing the sixteen peers and forty members to represent Scotland in the parliament of Great Britain, were ordered to be proclaimed and printed.

The short remainder of the parliament was occupied with private bills, and on the 25th of March, the commissioner adjourned the session, with the following brief address:—"My lords and gentlemen,—The public business of this session being now over, it is full time to put an end to it. I am persuaded, that we and our posterity will reap the benefit of the union of the two kingdoms; and I doubt not, that, as this parliament has had the honour to conclude it, you will, in your several stations, recommend to the people of this nation a grateful sense of her majesty's goodness and great care for the welfare of her subjects, in bringing this important affair to perfection, and that you will promote a universal desire in this kingdom to become one in hearts and affections, as we are inseparably joined in interest with our neighbour nation. My lords and gentlemen, I have a very deep sense of the assistance and respect I have met with from you in this session of parliament; and I shall omit no occasion of showing, to the utmost of my power, the grateful remembrance I have of it."

When this great measure had been thus accomplished, the duke of Queensberry set out for London, and so great was the impression there of the service which he had done for both countries, that he was met in the neighbourhood of the capital by above forty noblemen in their coaches, and about four hundred gentlemen on horseback. Next day he waited upon the queen at Kensington, and was received with the strongest marks of approbation and favour.

The satisfaction throughout England was indeed general, and the queen showed her gratitude to the Scottish noblemen who had supported the union by a distribution of titles and pensions. The earls of Montrose and Roxburgh were created dukes, and Mar and Seafield were placed upon the privy council, while Queensberry himself was raised to the English peerage as duke of Dover, with a pension of three thousand pounds a-year.

CHAPTER XVI.

THE ACT OF UNION; THE ACT FOR THE SECURITY OF THE ENGLISH CHURCH; AND THAT REGULATING THE SCOTTISH ELECTIONS.

THIS most important act, which we have thus traced to its completion, and which, in spite of all the clamour against it, has proved an immense benefit to Scotland, stands as follows in the ratification by the Scottish parliament:—

Act ratifying and approving the treaty of the two kingdoms of Scotland and England.—January 16th, 1707.

The estates of parliament considering that articles of union of the kingdoms of Scotland and England were agreed on the 22nd of July, 1706, by the commissioners nominated on behalf of this kingdom, under her majesty's great seal of Scotland, bearing date the 27th of February last past, in pursuance of the fourth act of the third session of this parliament, and the commissioners nominated on behalf of the kingdom of England, under her majesty's great seal of England, bearing date at Westminster the 10th day of April last past, in pursuance of an act of parliament made in England the third year of her majesty's reign, to treat of and concerning a union of the said kingdoms: which articles were, in all humility, presented to her majesty upon the 23rd of the said month of July, and were recommended to this parliament by her majesty's royal letter of the date the 31st day of July, 1706; and that the said estates of parliament have agreed to and approved of the said articles of union, with some additions and explanations, as is contained in the articles hereafter inserted. And such-like, her majesty, with advice and consent of the estates of parliament, resolving to establish the protestant religion and presbyterian church government within this kingdom, has passed in this session of parliament an act, intituled, "Act for securing of the protestant religion and presbyterian church government," which, by the tenor thereof, is appointed to be inserted in any act ratifying the treaty, and expressly declared to be a fundamental and essential condition of the said treaty of union in all time coming. Therefore, her majesty, with the advice and consent of the estates of parliament, in fortification of the approbation of the articles as above-mentioned, and

for their further and better establishment of the same, upon full and mature deliberation upon the foresaid articles of union and act of parliament, doth ratify, approve, and confirm the same, with the additions and explanations contained in the said articles, in manner and under the provisions after mentioned, whereof the tenor follows.

Article I. That the two kingdoms of Scotland and England shall, upon the 1st day of May next ensuing the date hereof, and for ever after, be united into one kingdom by the name of Great Britain, and that the ensigns armorial of the said united kingdom be such as her majesty shall appoint, and the crosses of St. Andrew and St. George be conjoined in such manner as her majesty shall think fit, and used in all flags, banners, standards, and ensigns, both at sea and land.

II. That the succession to the monarchy of the united kingdom of Great Britain, and of the dominions thereunto belonging, after her most sacred majesty, and in default of issue of her majesty, be, remain, and continue to the most excellent princess Sophia, electoress and duchess-dowager of Hanover, and the heirs of her body, being protestants, upon whom the crown of England is settled by an act of parliament made in England in the twelfth year of the reign of his late majesty king William III., intituled, "An act for the further limitation of the crown and better securing the rights and liberties of the subject:" and that all papists, and persons marrying papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the imperial crown of Great Britain, and the dominions thereunto belonging, or any part thereof; and in every such case, the crown and government shall, from time to time, descend to, and be enjoyed by such person, being a protestant, as should have inherited and enjoyed the same, in case such papist, or person marrying a papist, was naturally dead, according to the provision for the descent of the crown of England made by another act of parliament in England, in the first year of the reign of their late majesties king William and queen Mary, intituled, "An act declar-

ing the rights and liberties of the subject, and settling the succession of the crown."

III. That the united kingdom of Great Britain be represented by one and the same parliament; to be styled "the parliament of Great Britain."

IV. That all the subjects of the united kingdom of Great Britain shall, from and after the union, have full freedom and intercourse of trade and navigation to and from any port or place within the said united kingdom, and the dominions and plantations thereunto belonging, and that there be a communication of all other rights, privileges, and advantages, which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in these articles.

V. That all ships or vessels belonging to her majesty's subjects of Scotland at the time of ratifying the treaty of union of the two kingdoms in the parliament of Scotland, though foreign built, be deemed and pass as ships of the build of Great Britain: the owner, or where there are more owners, one or more of the owners, within twelve months after the 1st of May next, making oath, that at the time of ratifying the treaty of union in the parliament of Scotland, the same did, in whole or in part, belong to him or them, or to some other subject or subjects of Scotland, to be particularly named, with the place of their respective abodes, and that the same doth then, at the time of the said deposition, wholly belong to him or them, and that no foreigner, directly or indirectly, hath any share, part, or interest therein; which oath shall be made before the chief officer or officers of the customs in the port next to the abode of the said owner or owners; and the said officer or officers shall be empowered to administer the said oath: and the said oath being so administered shall be attested by the officer or officers, who administered the same, and being registered by the said officer or officers, shall be delivered to the master of the ship for security of her navigation, and the duplicate thereof shall be transmitted by the said officer or officers to the chief officer or officers of the customs in the port of Edinburgh, to be there entered in a register, and from thence to be sent to the port of London, to be there entered in the general register of all trading ships belonging to Great Britain.

VI. That all parts of the united kingdom for ever, from and after the union, shall

have the same allowances, encouragements, and drawbacks, and be under the same prohibitions, restrictions, and regulations of trade, and liable to the same customs and duties on import and export; and that the allowances, encouragements and drawbacks, prohibitions, restrictions, and regulations of trade, and the customs and duties on import and export settled in England, when the union commences, shall, from and after the union, take place throughout the whole united kingdom, excepting and reserving the duties upon export and import of such particular commodities, from which any persons, the subjects of either kingdom, are specially liberated and exempted by their private rights, which, after the union, are to remain safe and entire to them, in all respects, as before the same; and that, from and after the union, no Scots cattle carried into England shall be liable to any other duties, either on the public or private accounts, than those duties to which the cattle of England are or shall be liable within the said kingdom. And seeing, by the laws of England, there are rewards granted upon the exportation of certain kinds of grain, wherein oats ground or unground are not expressed, that, from and after the union, when oats shall be sold at fifteen shillings sterling per quarter, or under, there shall be paid 2s. 6d. sterling for every quarter of the oatmeal exported in the terms of the law, whereby and so long as rewards are granted for exportation of other grains, and that the bear of Scotland have the same rewards as barley. And in respect the importation of victual into Scotland, from any place beyond sea, would prove a discouragement to tillage, therefore, that the prohibition, as now in force by the law of Scotland, against importation of victual from Ireland, or any other place beyond sea into Scotland, do, after the union, remain in the same force as now it is, until more proper and effectual ways be provided by the parliament of Great Britain, for discouraging the importation of the said victual from beyond sea.

VII. That all parts of the united kingdom be for ever, from and after the union, liable to the same excises upon all excisable liquors, excepting only, that the thirty-four gallons English barrel of beer or ale, amounting to twelve gallons Scots present measure, sold in Scotland by the brewer at 9s. 6d. sterling, excluding all duties, and retailed, including duties and the retailer's

profit, at twopence the Scots pint, or eighth part of the Scots gallon, be not, after the union, liable, on account of the present excise upon excisable liquors in England, to any higher imposition than two shillings sterling upon the foresaid thirty-four gallons English barrel, being twelve gallons the present Scots measure, and that the excise settled in England on all other liquors, when the union commences, take place throughout the whole united kingdom.

VIII. That from and after the union, all foreign salt, which shall be imported into Scotland, shall be charged, at the importation there, with the same duties as the like salt is now charged with, being imported into England, and to be levied and secured in the same manner. But in regard the duties of great quantities of foreign salt imported may be very heavy on the merchants importers, that therefore all foreign salt imported into Scotland shall be cellared and locked up under the custody of the merchant importer, and the officers employed for levying the duties upon salt, and that the merchant may have what quantities thereof his occasion may require, not under a wey or forty bushels at a time, giving security for the duty of what quantity he receives, payable in six months; but Scotland shall, for the space of seven years from the said union, be exempted from paying in Scotland, for salt made there, the duty or excise now payable for salt made in England; but, from the expiration of the said seven years, shall be subject and liable to proportional duties for salt made in Scotland, as shall be then payable for salt made in England, to be levied and secured in the same manner, and with the same drawbacks and allowances, as in England; with this exception, that Scotland shall, after the said seven years, remain exempted from the duty of 2s. 4d. a bushel on home salt, imposed by an act made in England in the ninth and tenth of king William III. of England. And if the parliament of Great Britain shall, at or before the expiring of the said seven years, substitute any other fund in place of the said 2s. 4d. of excise on the bushel of home salt, Scotland shall, after the said seven years, bear a proportion of the said fund, and have an equivalent in the terms of this treaty; and that, during the said seven years, there shall be paid in England, for all salt made in Scotland, and imported from thence into England, the same duties upon importation as shall be

payable for salt made in England, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in England. And that, after the said seven years, how long the said duty of 2s. 4d. a bushel upon salt is continued in England, the said 2s. 4d. a bushel shall be payable for all salt made in Scotland and imported into England, to be levied and secured in the same manner; and that, during the continuance of the duty of 2s. 4d. a bushel upon salt made in England, no salt whatsoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the salt, and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt, and proportionally for a greater or lesser quantity; for which the carrier, as well as the owner, shall be liable jointly and severally, and the persons bringing or carrying the same to be imprisoned by any one justice of the peace for the space of six months without bail, and until the penalty be paid. And for establishing an equality in trade, that all fleshes exported from Scotland to England, and put on board in Scotland, to be exported to parts beyond the seas, and provisions for ships in Scotland, and for foreign voyages, may be salted with Scots salt, paying the same duty for what salt is so employed as the like quantity of such salt pays in England, and under the same penalties, forfeitures, and provisions, for preventing of frauds, as are mentioned in the laws of England; and that, from and after the union, the laws and acts of parliament in Scotland for pining, curing, and packing of herrings, white fish, and salmon for exportation, with foreign salt only, without any mixture of British or Irish salt, and for preventing of frauds in curing and packing of fish, be continued in force in Scotland, subject to such alterations as shall be made by the parliament of Great Britain; and that all fish exported from Scotland to parts beyond the seas, which shall be cured with foreign salt only, and without mixture of British or Irish salt, shall have the same easements, premiums, and drawbacks as are or shall be allowed to such persons as export the like fish from England; and that, for encouragement of the herring fishing, there shall be allowed and payed to the subjects, inhabitants of Great Britain, during the present allowances for other fishes, 10s. 5d. sterling for every barrel of white herrings

which shall be exported from Scotland; and that there shall be allowed five shillings for every barrel of beef or pork salted with foreign salt, without mixture of British or Irish salt, and exported for sale from Scotland to parts beyond sea, alterable by the parliament of Great Britain. And if any matters or fraud relating to the said duties on salt shall hereafter appear, which are not sufficiently provided against by this article, the same shall be subject to such further provisions as shall be thought fit by the parliament of Great Britain.

IX. That whenever the sum of £1,997,763 8s. 4½d. shall be enacted by the parliament of Great Britain to be raised in that part of the united kingdom now called England, on land, and other things usually charged in acts of parliament there, for granting an aid to the crown by a land-tax, that part of the united kingdom now called Scotland shall be charged, by the same act, with a further sum of forty-eight thousand pounds free of all charges, as the quota of Scotland to such tax, and so proportionally for any greater or lesser sum raised in England by any tax on land, and other things usually charged together with the land; and that such quota for Scotland, in the cases aforesaid, be raised and collected in the same manner as the cess now is in Scotland; but subject to such regulations in the manner of collecting, as shall be made by the parliament of Great Britain.

X. That during the continuance of the respective duties on stamped paper, vellum, and parchment, by several acts now in force in England, Scotland shall not be charged with the same respective duties.

XI. That during the continuance of the duties payable in England on windows and lights, which determines on the 1st day of August, 1710, Scotland shall not be charged with the same duties.

XII. That during the continuance of the duties payable in England on coals, culm, and cinders, which determines the 30th day of September, 1710, Scotland shall not be charged therewith for coals, culm, and cinders consumed there, but shall be charged with the same duties as in England for all coal, culm, and cinders, not consumed in Scotland.

XIII. That during the continuance of the duty payable in England on malt, which determines the 24th day of June, 1707, Scotland shall not be charged with that duty.

XIV. That the kingdom of Scotland be not charged with any other duties laid on by the parliament of England before the union, except those consented to in this treaty, in regard it is agreed, that all necessary provision shall be made by the parliament of Scotland for the public charge and service of that kingdom for the year 1707; provided, nevertheless, that if the parliament of England shall think fit to lay any further impositions, by way of customs, or such excises, with which, by virtue of this treaty, Scotland is to be charged equally with England, in such case Scotland shall be liable to the same customs and excises, and have an equivalent to be settled by the parliament of Great Britain; with this further provision, that any malt to be made and consumed in that part of the united kingdom now called Scotland, shall not be charged with any imposition upon malt during this present war; and seeing it cannot be supposed that the parliament of Great Britain will ever lay any sorts of burdens upon the united kingdom, but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom; therefore it is agreed, that there be no further exemption insisted upon, for any part of the united kingdom; but that the consideration of any exemptions, beyond what are already agreed on in this treaty, shall be left to the determination of the parliament of Great Britain.

XV. Whereas, by the terms of this treaty, the subjects of Scotland, for preserving an equality of trade throughout the united kingdom, will be liable to several customs and excises now payable in England, which will be applicable towards payment of the debts of England, contracted before the union; it is agreed, that Scotland shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of England in all particulars whatsoever, in manner following, viz., that, before the union of the said kingdoms, the sum of £398,085 10s. be granted to her majesty by the parliament of England, for the uses after-mentioned, being the equivalent to be answered to Scotland, for such parts of the said customs and excises upon all excisable liquors, with which that kingdom is to be charged upon the union, as will be applicable to the payment of the said debts of England, according to the

proportions which the present customs in Scotland, being thirty thousand pounds per annum, do bear to the customs in England, computed at one million three hundred and forty-one thousand five hundred and fifty-nine pounds per annum, and which the present excises on excisable liquors in Scotland, being thirty-three thousand five hundred pounds per annum, do bear to the excises on excisable liquors in England, computed at nine hundred and forty-seven thousand six hundred and two pounds per annum, which sum of £398,085 10s. shall be due and payable from the time of the union: and in regard that, after the union, Scotland becoming liable to the same customs and duties payable on import and export, and to the same excises on all excisable liquors as in England, as well upon that account as upon the account of the increase of trade and people (which will be the happy consequence of the union), the said revenues will much improve beyond the before-mentioned annual values thereof, of which no present estimate can be made; yet nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent answered to Scotland; it is agreed that, after the union, there shall be an account kept of the said duties arising in Scotland, to the end it may appear what ought to be answered to Scotland, as an equivalent, for such proportion of the said increase as shall be applicable to the payment of the debts of England. And for the further and more effectual answering the several ends hereafter-mentioned, it is agreed that, from and after the union, the whole increase of the revenues of customs and duties on import and export, and excise upon excisable liquors in Scotland, over and above the annual produce of the said respective duties as above stated, shall go and be applied, for the term of seven years, to the uses hereafter-mentioned, and that, upon the said account, there shall be answered to Scotland annually, from the end of seven years after the union, an equivalent in proportion to such part of the said increase as shall be applicable to the debts of England; and generally, that an equivalent shall be answered to Scotland for such parts of the English debts as Scotland may hereafter become liable to pay by reason of the union, other than such for which appropriations have been made by parliament of England, of the customs or other duties on export and import, excises on all excisable liquors,

in respect of which debts, equivalents are hereinbefore provided: and as for the uses to which the said sum of £398,085 10s., to be granted as aforesaid, and all other monies which are to be answered or allowed to Scotland as said is, are to be applied; it is agreed, that in the first place, out of the foresaid sum, what consideration shall be found necessary to be had for any losses which private persons may sustain by reducing the coin of Scotland to the standard and value of the coin of England, may be made good: in the next place, that the capital stock or fund of the African and Indian company of Scotland advanced, together with the interest for the said capital stock after the rate of five per cent. per annum, from the respective times of the payment thereof, shall be paid; upon payment of which capital stock and interest, it is agreed the said company be dissolved and cease; and also, that from the time of passing the act of parliament in England for raising the said sum of £398,085 10s., the said company shall neither trade, nor grant licence to trade, providing that, if the said stock and interest shall not be paid in twelve months after the commencement of the union, that then the said company may, from thenceforward, trade, or give licence to trade, until the said whole capital stock and interest shall be paid: and as to the overplus of the said sum of £398,085 10s., after payment of what considerations shall be had for losses in repairing the coin, and paying the said capital stock and interest; and also the whole increase of the said revenues of customs, duties, and excises above the present value, which shall arise in Scotland during the said term of seven years, together with the equivalent which shall become due upon the improvement thereof in Scotland after the said term; and also, as to all other sums which, according to the agreements aforesaid, may become payable to Scotland by way of equivalent, for what that kingdom shall hereafter become liable towards payment of the debt of England; it is agreed, that the same be applied in manner following, viz., that all the public debts of the kingdom of Scotland, as shall be adjusted by this present parliament, shall be paid; and that two thousand pounds per annum, for the space of seven years, shall be applied towards encouraging and promoting the manufacture of coarse wool within those shires which produce the wool, and that the first two thousand pounds

sterling be paid at Martinmass next, and so yearly at Martinmass during the space foresaid; and afterwards, the same shall be wholly applied towards encouraging and promoting the fisheries, and such other manufactures and improvements in Scotland, as may most conduce to the general good of the united kingdom. And it is agreed, that her majesty be empowered to appoint commissioners, who shall be accountable to the parliament of Great Britain, for disposing the said sum of £398,085 10s., and all other monies which shall arise to Scotland upon the agreements aforesaid, to the purposes before-mentioned; which commissioners shall be empowered to call for, receive, and dispose of the said monies in manner aforesaid, and to inspect the books of the several collectors of the said revenues, and of all other duties from whence an equivalent may arise; and that the collectors and managers of the said revenues and duties be obliged to give to the said commissioners subscribed authentic abbreviates of the produce of such revenues and duties arising in their respective districts; and that the said commissioners shall have their office within the limits of Scotland, and shall in such office keep books, containing accounts of the amount of the equivalents, and how the same shall have been disposed of from time to time, which may be inspected by any of the subjects who shall desire the same.

XVI. That from and after the union, the coin shall be of the same standard and value throughout the united kingdom as now in England, and a mint shall be continued in Scotland under the same rules as the mint in England; and the present officers of the mint continued, subject to such regulations and alterations as her majesty, her heirs or successors, or the parliament of Great Britain shall think fit.

XVII. That from and after the union, the same weights and measures shall be used throughout the united kingdom as are now established in England, and standards of weights and measures shall be kept by those boroughs in Scotland to whom the keeping the standards of weights and measures now in use there, does of special right belong; all which standards shall be sent down to such respective boroughs, from the standards kept in the exchequer at Westminster, subject nevertheless to such regulations as the parliament of Great Britain shall think fit.

XVIII. That the laws concerning regulation of trade, customs, and such excises to which Scotland is, by virtue of this treaty, to be liable, be the same in Scotland, from and after the union, as in England; and that all other laws in use within the kingdom of Scotland, do, after the union, and notwithstanding thereof, remain in the same force as before (except such as are contrary to, or inconsistent with this treaty), but alterable by the parliament of Great Britain, with this difference betwixt the laws concerning public right, policy, and civil government, and those which concern private right—that the laws which concern public right, policy, and civil government may be made the same throughout the whole united kingdom, but that no alteration be made in laws which concern private right, except for evident utility of the subjects within Scotland.

XIX. That the court of session, or college of justice, do, after the union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the union, subject nevertheless to such regulations for the better administration of justice, as shall be made by the parliament of Great Britain; and that hereafter none shall be named by her majesty, or her royal successors, to be ordinary lords of session, but such who have served in the college of justice as advocates, or principal clerks of session, for the space of five years, or as writers to the signet for the space of ten years, with this provision, that no writers to the signet be capable to be admitted a lord of the session, unless he undergo a private and public trial on the civil law before the faculty of advocates, and be found by them qualified for the said office two years before he be named to be a lord of the session, yet so as the qualifications made or to be made for capacitating persons to be named ordinary lords of session, may be altered by the parliament of Great Britain. And that the court of justiciary do also, after the union, and notwithstanding thereof, remain, in all time coming, within Scotland, as it is now constituted by the laws of that kingdom, and with the same authority and privileges as before the union, subject nevertheless to such regulations as shall be made by the parliament of Great Britain, and without prejudice of other rights of justiciary: and that all admiralty jurisdic-

tions be under the lord high admiral, or commissioners for the admiralty of Great Britain for the time being; and that the court of admiralty now established in Scotland be continued; and that all reviews, reductions, or suspensions of the sentences in maritime cases, competent to the jurisdiction of that court, remain in the same manner after the union as now in Scotland, until the parliament of Great Britain shall make such regulations and alterations as shall be judged expedient for the whole united kingdom; so as there be always continued in Scotland a court of admiralty, such as in England, for determination of all maritime cases relative to private rights in Scotland competent to the jurisdiction of the admiralty court, subject nevertheless to such regulations and alterations as shall be thought proper to be made by the parliament of Great Britain; and that the heretable rights of admiralty and vice-admiralties in Scotland, be reserved to the respective proprietors as rights of property, subject nevertheless, as to the manner of exercising such heretable rights, to such regulations and alterations as shall be thought proper to be made by the parliament of Great Britain: and that all other courts now in being within the kingdom of Scotland, do remain, but subject to alterations by the parliament of Great Britain: and that all inferior courts within the said limits do remain subordinate, as they are now, to the supreme courts of justice within the same, in all time coming; and that no causes in Scotland be cognizable by the court of chancery, queen's bench, common pleas, or any other court in Westminster-hall; and that the said courts, or any other of the like nature, after the union, shall have no power to cognosce, review, or alter the acts or sentences of the judicatures within Scotland, or stop the execution of the same; and that there be a court of exchequer in Scotland, after the union, for deciding questions concerning the revenues of customs and excises there, having the same power and authority in such cases as the court of exchequer has in England; and that the said court of exchequer in Scotland have power of passing signatures, gifts, tutories, and in other things, as the court of exchequer at present in Scotland hath; and that the court of exchequer that now is in Scotland do remain until a new court of exchequer be settled by the parliament of Great Britain in Scotland after the union:

and that, after the union, the queen's majesty and her royal successors may continue a privy council in Scotland for preserving of public peace and order until the parliament of Great Britain shall think fit to alter it, or establish any other effectual method for that end.

XX. That all heretable offices, superiorities, heretable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding of this treaty.

XXI. That the rights and privileges of the royal boroughs in Scotland, as they now are, do remain entire after the union, and notwithstanding thereof.

XXII. That by virtue of this treaty, of the peers of Scotland at the time of the union, sixteen shall be the number to sit and vote in the house of lords, and forty-five the number of the representatives of Scotland in the house of commons of the parliament of Great Britain; and that, when her majesty, her heirs or successors, shall declare her or their pleasure, for holding the first or any subsequent parliament of Great Britain, until the parliament of Great Britain shall make further provision therein, a writ do issue under the great seal of the united kingdom, directed to the privy council of Scotland, commanding them to cause sixteen peers, who are to sit in the house of lords, to be summoned to parliament, and forty-five members to be elected, to sit in the house of commons of the parliament of Great Britain, according to the agreement in this treaty, in such manner as by a subsequent act of this present session of the parliament of Scotland shall be settled; which act is hereby declared to be as valid as if it were a part of, and engrossed in, this treaty; and that the names of the persons so summoned and elected shall be returned by the privy council of Scotland, into the court from whence the said writ did issue; and that if her majesty, on or before the 1st day of May next, on which day the union is to take place, shall declare under the great seal of England, that it is expedient that the lords of parliament of England, and commons of the present parliament of England, should be the members of the respective houses of the first parliament of Great Britain for and on the part of England, then the said lords of parliament of England, and commons of the present parlia-

ment of England, shall be the members of the respective houses of the first parliament of Great Britain, for and on the part of England; and her majesty may, by her royal proclamation under the great seal of Great Britain, appoint the said first parliament of Great Britain to meet at such time and place as her majesty shall think fit, which time shall not be less than fifty days after the date of such proclamation; and the time and place of the meeting of such parliament being so appointed, a writ shall be immediately issued under the great seal of Great Britain, directed to the privy council of Scotland, for the summoning the sixteen peers, and for electing forty-five members, by whom Scotland is to be represented in the parliament of Great Britain; and the lords of parliament of England, and the sixteen peers of Scotland, such sixteen peers being summoned and returned in the same manner agreed in this treaty; and the members of the house of commons of the said parliament of England, and the forty-five members for Scotland, such forty-five members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively in their respective houses of the parliament of Great Britain, at such time and place as shall be so appointed by her majesty, and shall be the two houses of the first parliament of Great Britain; and that parliament may continue for such time only as the present parliament of England might have continued if the union of the two kingdoms had not been made, unless sooner dissolved by her majesty; and that every one of the lords of parliament of Great Britain, and every member of the house of commons of the parliament of Great Britain, in the first and all succeeding parliaments of Great Britain, until the parliament of Great Britain shall otherwise direct, shall take the respective oaths appointed to be taken instead of the oaths of allegiance and supremacy, by an act of parliament made in England in the first year of the reign of the late king William and queen Mary, intituled, "An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths;" and make, subscribe, and audibly repeat the declaration mentioned in an act of parliament made in England in the thirteenth year of the reign of king Charles II., intituled, "An act for the more effectual preserving the king's person and government, by disabling papists

from sitting in either houses of parliament;" and shall take and subscribe the oath mentioned in an act of parliament made in England in the first year of her majesty's reign, intituled, "An act to declare the alterations in the oath appointed to be taken by the act," intituled, "An act for the further security of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended present prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined;" at such time, and in such manner, as the members of both houses of parliament of England are, by the said respective acts, directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective acts contained. And it is declared and agreed, that these words, "This realm, the crown of this realm, and the queen of this realm," mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of England, shall be understood of the crown and realm of Great Britain; and that in that sense the said oaths and declaration be taken and subscribed by the members of both houses of the parliament of Great Britain.

XXIII. That the foresaid sixteen peers of Scotland, mentioned in the last preceding article, to sit in the house of lords of the parliament of Great Britain, shall have all privileges of parliament which the peers of England now have, and which they or any peers of Great Britain shall have after the union, and particularly the right of sitting upon the trials of peers: and in case of the trial of any peer in time of adjournment or prorogation of parliament, the said sixteen peers shall be summoned in the same manner, and have the same powers and privileges at such trial, as any other peers of Great Britain. And that in case any trials of peers shall hereafter happen when there is no parliament in being, the sixteen peers of Scotland who sat in the last preceding parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other peers of Great Britain. And that all peers of Scotland, and their successors to their honours and dignities, shall, from and after the union, be peers of Great Britain, and have rank and precedence next and immediately after the peers of the like orders and

degrees in England at the time of the union, and before all peers of Great Britain, of the like orders and degrees, who may be created after the union, and shall be tried as peers of Great Britain, and shall enjoy all privileges of peers as fully as the peers of England do now, or as they or any other peers of Great Britain may hereafter enjoy the same, except the right and privilege of sitting in the house of lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of peers.

XXIV. That from and after the union, there be one great seal for the united kingdom of Great Britain, which shall be different from the great seal now used in either kingdom; and that the quartering the arms, and the rank and precedence of the lionking-of-arms of the kingdom of Scotland, as may best suit the union, be left to her majesty; and that, in the meantime, the great seal of England be used as the great seal of the united kingdom, and that the great seal of the united kingdom be used for sealing writs to elect and summon the parliament of Great Britain, and for sealing all treaties with foreign princes and states, and all public acts, instruments, and orders of state, which concern the whole united kingdom, and in all other matters relating to England, as the great seal of England is now used; and that a seal in Scotland, after the union, be always kept and made use of in all things relating to private rights or grants, which have usually passed the great seal of Scotland, and which only concern offices, grants, commissions, and private rights within that kingdom; and that until such seal shall be appointed by her majesty, the present great seal of Scotland shall be used for such purposes; and that the privy seal, signet, casset, signet of the justiciary court, quarter seal, and seals of court now used in Scotland, be continued; but that the said seals be altered and adapted to the state of the union, as her majesty shall think fit: and the said seals, and all of them, and the keepers of them, shall be subject to such regulations as the parliament of Great Britain shall hereafter make: and that the crown, sceptre, and sword of state, the records of parliament, and all other records, rolls, and registers whatsoever, both public and private, general and particular, and warrants thereof, continue to be kept as they are within that part of the united kingdom now called Scotland, and that they shall so remain in all time coming, notwithstanding of the union.

XXV. That all laws and statutes in either kingdom, so far as they are contrary to, or inconsistent with the terms of these articles, or any one of them, shall, from and after the union, cease and become void, and shall be so declared to be by the respective parliaments of the said kingdoms.

Follows the tenor of the foresaid act for securing the protestant religion and presbyterian church government.

"Our sovereign lady and the estates of parliament, considering that, by the late act of parliament for a treaty with England for a union of both kingdoms, it is provided, that the commissioners for that treaty should not treat of or concerning any alteration of the worship, discipline, and government of the church of this kingdom, as now by law established: which treaty being now reported to the parliament, and it being reasonable and necessary that the true protestant religion, as presently professed within this kingdom, with the worship, discipline, and government of this church, should be effectually and unalterably secured; therefore her majesty, with advice and consent of the said estates of parliament, doth hereby establish and confirm the said true protestant religion, and the worship, discipline, and government of this church, to continue without any alteration to the people of this land, in all succeeding generations; and more especially, her majesty, with advice and consent foresaid, ratifies, approves, and for ever confirms the fifth act of the first parliament of king William and queen Mary, intituled, 'Act ratifying the confession of faith, and settling presbyterian church government,' with the hail (*all the*) other acts of parliament relating thereto, in prosecution of the declaration of the estates of this kingdom, containing the claim of right, bearing date the 11th of April, 1689; and her majesty, with advice and consent foresaid, expressly provides and declares, that the foresaid true protestant religion, contained in the above-mentioned confession of faith, with the form and purity of worship presently in use within this church, and its presbyterian church government and discipline—that is to say, the government of the church by kirk sessions, presbyteries, provincial synods, and general assemblies, all established by the foresaid acts of parliament, pursuant to the claim of right—shall remain and continue unalterable; and that the said presbyterian government shall be the only government of the church within

the kingdom of Scotland. And further, for the greater security of the foresaid protestant religion, and of the worship, discipline, and government of this church as above established, her majesty, with advice and consent foresaid, statutes and ordains, that the universities and colleges of St. Andrews, Glasgow, Aberdeen, and Edinburgh, as now established by law, shall continue within this kingdom for ever. And that, in all time coming, no professors, principals, regents, masters, or others, bearing office in any university, college, or school within this kingdom, be capable, or be admitted or allowed to continue in the exercise of their said functions, but such as shall own and acknowledge the civil government in manner prescribed, or to be prescribed by the acts of parliament. As also, that before or at their admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid confession of faith, as the confession of their faith; and that they will practise and conform themselves to the worship presently in use in this church, and submit themselves to the government and discipline thereof, and never endeavour, directly or indirectly, the prejudice or subversion of the same; and that before the respective presbyteries of their bounds, by whatsoever gift, presentation, or provision they may be thereto provided. And further, her majesty, with advice foresaid, expressly declares and statutes, that none of the subjects of this kingdom shall be liable to, but all and every one of them for ever free of any oath, test, or subscription within this kingdom, contrary to, or inconsistent with, the foresaid true protestant religion and presbyterian church government, worship, and discipline as above established; and that the same, within the bounds of this church and kingdom, shall never be imposed upon, or required of them in any sort. And, lastly, that after the decease of her present majesty (whom God long preserve), the sovereign succeeding to her in the royal government of the kingdom of Great Britain shall, in all time coming, at his or her accession to the crown, swear and subscribe that they shall inviolably maintain and preserve the foresaid settlement of the true protestant religion, with the government, worship, discipline, right, and privileges of this church, as above established by the laws of this kingdom, in prosecution of the claim of right. And it is hereby statute and ordained, that this act of parliament, with the estab-

lishment therein contained, shall be held and observed, in all time coming, as a fundamental and essential condition of any treaty or union to be concluded betwixt the two kingdoms, without any alteration thereof, or derogation thereto, in any sort, for ever. As also, that this act of parliament, and settlement therein contained, shall be insert and repeated in any act of parliament that shall pass for agreeing and concluding the foresaid treaty or union betwixt the two kingdoms; and that the same shall be therein expressly declared to be a fundamental and essential condition of the said treaty or union, in all time coming. Which articles of union, and act immediately above-written, her majesty, with advice and consent foresaid, statutes, enacts, and ordains to be and continue, in all time coming, the sure and perpetual foundation of a complete and entire union of the two kingdoms of Scotland and England, under this express condition and provision—that the approbation and ratification of the foresaid articles and act shall be no ways binding on this kingdom, until the said articles and act be ratified, approved, and confirmed by her majesty, with and by the authority of the parliament of England, as they are now agreed to, approved, and confirmed by her majesty, with and by the authority of the parliament of Scotland. Declaring, nevertheless, that the parliament of England may provide for the security of the church of England as they think expedient, to take place within the bounds of the said kingdom of England, and not derogating from the security above provided, for establishing of the church of Scotland within the bounds of this kingdom. As also, the said parliament of England may extend the additions and other provisions contained in the articles of union, as above insert, in favour of the subjects of Scotland, to and in favour of the subjects of England, which shall not suspend or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in the parliament of Scotland. And, lastly, her majesty enacts and declares, that all laws and statutes in this kingdom, so far as they are contrary to, or inconsistent with, the terms of these articles as above-mentioned, shall, from and after the union, cease and become void."

To the end of the act of the English parliament ratifying this treaty, was tacked

the following act for the security of the English church:—

An act for securing the church of England as by law established.

“Whereas, by an act made in the session of parliament held in the third and fourth year of her majesty’s reign, whereby her majesty was empowered to appoint commissioners, under the great seal of England, to treat with commissioners to be authorised by the parliament of Scotland, concerning a union of the kingdoms of England and Scotland, it is provided and enacted, that the commissioners to be named in pursuance of the said act, should not treat of or concerning any alteration of the liturgy, rites, ceremonies, discipline, or government of the church as by law established within this realm: and whereas, certain commissioners appointed by her majesty in pursuance of the said act, and also other commissioners nominated by her majesty by the authority of the parliament of Scotland, have met and agreed upon a treaty of union of the said kingdoms, which treaty is now under the consideration of this present parliament: and whereas the said treaty (with some alterations therein made) is ratified and approved by act of parliament in Scotland; and the said act of ratification is, by her majesty’s royal command, laid before the parliament of this kingdom; and whereas it is reasonable and necessary that the true protestant religion professed and established by law in the church of England, and the doctrine, worship, discipline, and government thereof, should be effectually and unalterably secured: be it enacted by the queen’s most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, that an act made in the thirteenth year of the reign of queen Elizabeth, of famous memory, intituled, ‘An act for the ministers of the church to be of sound religion;’ and also another act, made in the thirteenth year of the reign of the late king Charles II., intituled, ‘An act for the uniformity of public prayers and administration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating bishops, priests, and deacons in the church of England’ (other than such clauses in the said acts, or either of them, as have been repealed or altered by any subsequent

act or acts of parliament); and all and singular other acts of parliament now in force for the establishment and preservation of the church of England, and the doctrine, worship, discipline, and government thereof, shall remain and be in full force for ever.

“And be it further enacted, by the authority aforesaid, that after the demise of her majesty (whom God long preserve), the sovereign next succeeding to her majesty in the royal government of the kingdom of Great Britain, and so for ever hereafter every king or queen succeeding and coming to the royal government of the kingdom of Great Britain, at his or her coronation, shall, in the presence of all persons who shall be attending, assisting, or otherwise then and there present, take and subscribe an oath to maintain and preserve inviolably the said settlement of the church of England, and the doctrine, worship, discipline, and government thereof, as by law established within the kingdoms of England and Ireland, the dominion of Wales, and town of Berwick-upon-Tweed, and the territories thereunto belonging.

“And be it further enacted, by the authority aforesaid, that this act, and all and every the matters and things therein contained, be, and shall for ever be, holden and adjudged to be a fundamental and essential part of any treaty of union to be concluded between the said two kingdoms; and also, that this act shall be inserted in express terms in any act of parliament which shall be made for settling and ratifying any such treaty of union, and shall be therein declared to be an essential and fundamental part thereof.”

The Scottish act regulating the elections of representatives, which was also ratified in the English act, was as follows:—

Act settling the manner of electing the sixteen peers and forty-five commoners to represent Scotland in the parliament of Great Britain.—February 5th, 1707.

“Our sovereign lady, considering that, by the twenty-second article of the treaty or union, as the same is ratified by an act passed in this session of parliament upon the 16th of January last, it is provided, that, by virtue of the said treaty, of the peers of Scotland at the time of the union, sixteen shall be the number to sit and vote in the house of lords, and forty-five the number of the representatives of Scotland in the house of commons, of the parliament of Great Britain; and that the said

sixteen peers and forty-five members in the house of commons, be named and chosen in such manner as by a subsequent act in this present session of parliament in Scotland should be settled; which act is thereby declared to be as valid as if it were a part of, and engrossed in, the said treaty; therefore her majesty, with advice and consent of the estates of parliament, statutes, enacts and ordains, that the said sixteen peers, who shall have right to sit in the house of peers in the parliament of Great Britain on the part of Scotland by virtue of this treaty, shall be named by the said peers of Scotland whom they represent, their heirs, or successors to their dignities and honours, out of their own number, and that by open election and plurality of voices of the peers present, and of the proxies for such as shall be absent, the said proxies being peers, and producing a mandate in writing duly signed before witnesses, and both the constituent and proxy being qualified according to law; declaring also, that such peers as are absent, being qualified as aforesaid, may send to all such meetings lists of the peers whom they judge fittest, validly signed by the said absent peers, which shall be reckoned in the same manner as if the parties had been present, and given in the said list; and in case of the death, or legal incapacity, of any of the said sixteen peers, that the aforesaid peers of Scotland shall nominate another of their own number in place of the said peer or peers, in manner before and after mentioned. And that, of the said forty-five representatives of Scotland in the house of commons in the parliament of Great Britain, thirty shall be chosen by the shires or stewartries, and fifteen by the royal boroughs, as follows, *videlicet*, one for every shire and stewartry, excepting the shires of Bute and Caithness, which shall choose one by turns, Bute having the first election; the shires of Nairn and Cromarty, which shall also choose by turns, Nairn having the first election; and in like manner the shires of Clackmannan and Kinross shall choose by turns, Clackmannan having the first election; and in case of the death or legal incapacity of any of the said members from the respective shires or stewartries above-mentioned, to sit in the house of commons, it is enacted and ordained, that the shire or stewartry who elected the said member shall elect another member in his place; and that the said fifteen representatives for the royal boroughs be chosen as

follows, *videlicet*, that the town of Edinburgh shall have right to elect and send one member to the parliament of Great Britain; and that each of the other burghs shall elect a commissioner in the same manner as they are now in use to elect commissioners to the parliament of Scotland; which commissioners and burghs (Edinburgh excepted), being divided into fourteen classes or districts, shall meet at such time and burghs within their respective districts as her majesty, her heirs or successors, shall appoint, and elect one for each district, *videlicet*, the burghs of Kirkwall, Week, Dornock, Dingwall, and Tayne, one; the burghs of Fortrose, Inverness, Nairn, and Forress, one; the burghs of Elgin, Cullen, Bamff, Inverary, and Kintore, one; the burghs of Aberdeen, Inverbervie, Montrose, Aberbrothock, and Brichen, one; the burghs of Forfar, Perth, Dundee, Cowper, and St. Andrews, one; the burghs of Crail, Kilrennie, Anstruther Easter, Anstruther Wester, and Pittenween, one; the burghs of Dysart, Kirkcaldie, Kinghorn, and Burntisland, one; the burghs of Innerkeithing, Dunfermline, Queensferry, Culross, and Stirling, one; the burghs of Glasgow, Renfrew, Rutherglen, and Dumbarton, one; the burghs of Haddington, Dunbar, North Berwick, Lawder, and Jedburgh, one; the burghs of Selkirk, Peebles, Linlithgow, and Lanark, one; the burghs of Dumfries, Sanquhar, Annan, Lochmaben, and Kirkcudbright, one; the burghs of Wigton, New Galloway, Stranrawer, and Whitehern, one; and the burghs of Air, Irvine, Rothesay, Campbeltoun, and Inverary, one. And it is hereby declared and ordained, that where the votes of the commissioners for the said burghs, met to choose representatives from their several districts to the parliament of Great Britain, shall be equal, in that case the president of the meeting shall have a casting or decisive vote, and that by and attour his vote as a commissioner from the burgh from which he is sent, the commissioner from the eldest burgh presiding in the first meeting, and the commissioners from the other burghs in their respective districts, presiding afterwards by turns in the order as the said burghs are now called in the rolls of the parliament of Scotland; and in case that any of the said fifteen commissioners from burghs shall decease, or become legally incapable to sit in the house of commons, then the town of Edinburgh, or the district which chose the said

member, shall elect a member in his or their place; it is always hereby expressly provided and declared, that none shall be capable to elect, or be elected, for any of the said estates, but such as are twenty-one years of age complete, and protestant, excluding all papists, or such who, being suspected of popery and required, refuse to swear and subscribe the *formula* contained in the third act, made in the eighth and ninth sessions of king William's parliament, intituled, 'Act for preventing the growth of popery;' and also declaring, that none shall be capable to elect, or be elected, to represent a shire or burgh in the parliament of Great Britain, for this part of the united kingdom, except such as are now capable by the laws of this kingdom to elect, or be elected, as commissioners for shires or burghs to the parliament of Scotland. And further, her majesty, with advice and consent aforesaid, for the effectual and orderly election of the persons to be chosen to sit, vote, and serve in the respective houses of the parliament of Great Britain, when her majesty, her heirs and successors, shall declare her or their pleasure for holding the first, or any subsequent parliament of Great Britain, and when for that effect a writ shall be issued out under the great seal of the united kingdom, directed to the privy council of Scotland, conform to the said twenty-second article, statutes, enacts, and ordains, that until the parliament of Great Britain shall make further provision therein, the said writ shall contain a warrant and command to the said privy council to issue out a proclamation in her majesty's name, requiring the peers of Scotland for the time to meet and assemble at such time and place within Scotland as her majesty and royal successors shall think fit, to make election of the said sixteen peers; and requiring the lord clerk-register, or two of the clerks of session, to attend all such meetings, and to administer the oaths that are or shall be by law required, and to ask the votes; and, having made up the lists in presence of the meeting, to return the names of the sixteen peers chosen (certified under the subscription of the said lord clerk-register, clerk or clerks of session attending) to the clerk of the privy council of Scotland; and suchlike requiring and ordaining the several freeholders in the respective shires and Stewartries to meet and convene at the head burghs of their several shires and Stewartries, to

elect their commissioners, conform to the order above set down, and ordaining the clerks of the said meetings, immediately after the said elections are over, respectively to return the names of the persons elected to the clerks of the privy council; and, lastly, ordaining the city of Edinburgh to elect their commissioner, and the other royal burghs to elect each of them a commissioner, as they have been in use to elect commissioners to the parliament, and to send the said respective commissioners, at such times, to such burghs within their respective districts as her majesty and successors, by such proclamation, shall appoint, requiring and ordaining the common clerk of the respective burghs, where such elections shall be appointed to be made, to attend the said meetings, and immediately after the election to return the name of the person so elected (certified under his hand) to the clerk of privy council; to the end that the names of the sixteen peers, thirty commissioners for shires, and fifteen commissioners for burghs, being so returned to the privy council, may be returned to the court from whence the writ did issue, under the great seal of the united kingdom, conform to the said twenty-second article: and whereas, by the said twenty-second article, it is agreed, that if her majesty shall, on or before the 1st day of May next, declare that it is expedient the lords and commons of the present parliament of England should be the members of the respective houses of the first parliament of Great Britain, for and on the part of England, they shall accordingly be the members of the said respective houses for and on the part of England; her majesty, with advice and consent aforesaid, in that case only, doth hereby statute and ordain, that the sixteen peers and forty-five commissioners for shires and burghs, who shall be chosen by the peers, barons, and burghs, respectively, in this present session of parliament, and out of the members thereof, in the same manner as committees of parliament are usually now chosen, shall be the members of the respective houses of the said first parliament of Great Britain for and on the part of Scotland; which nomination and election being certified by a writ under the lord clerk-register's hand, the person so nominated and elected shall have right to sit and vote in the house of lords, and in the house of commons, of the said first parliament of Great Britain."

BOOK IX.

SCOTLAND FROM THE UNION TO THE PRESENT TIME.

CHAPTER I.

DIFFICULTIES WITH REGARD TO THE COMMERCIAL PROVISIONS OF THE UNION; MOVEMENTS OF THE JACOBITES; FRENCH INTRIGUES; ATTEMPTED INVASION BY THE PRETENDER.

WITH the feeling which had been excited against the union, we need not be surprised if there was a general disinclination to facilitate the operation of the treaty, and accordingly this had hardly commenced before the whole country was full of discontent. Fraudulent speculations in trade had been carried on to an extraordinary extent. As the duty on goods imported from abroad was extremely light in Scotland in comparison with the same duties in England, many merchants employed the period between the passing of the act and the 1st of May, after which period all merchandise was to pass from Scotland to England without paying any duty, in bringing into the Scottish ports valuable cargoes of brandies, wines, and other articles, to be brought into England after the union commenced. Again, according to the old international regulations, tobacco passing from England into Scotland had a drawback of sixpence a pound before it left the latter country, and, as after the union tobacco in common with other articles would pass from Scotland to England free, some English merchants sent large quantities of tobacco into Scotland immediately before the act came into operation, in order to make a profit of the drawback, and with no other object than to bring back the tobacco after the drawback had been obtained. Frauds of this kind were practised very extensively, and it was said that even some of the Scottish commissioners themselves had a hand in them and shared in the profits. The loss naturally fell upon the English merchants, who in their anger presented a petition to the parliament on the subject. The house of commons took the matter up rather warmly, and entering into the feeling of the merchants, they passed a vote to the effect that "the importation of goods and merchandise, the growth and produce of France and other foreign

parts, into Scotland, in order to be brought from thence into England after the 1st of May, and with the intention to avoid the payment of the English duties, will be to the damage and ruin of the fair traders, to the prejudice of the manufactures of England, a great loss to her majesty's revenue of the customs, and a very great detriment to the public." Instead of regarding it as a mere temporary evil, the commons proceeded immediately with an act making all foreign goods brought from Scotland after the union liable to the same duties as those imported direct from France or Spain. The Scottish merchants in London immediately petitioned against this act, and so far prevailed, that a saving clause was added in the act, excepting such merchandise as could be proved to be *bona fide* property of Scotchmen in Scotland, and not merely purchased or provided for the occasion; but the weight of proving it was thrown upon the importer. The bill, in this form, passed the commons, but the representations of the Scottish merchants had been more effective in the house of lords, where, after some dispute with the commons, the bill was thrown out. The merchants, however, remained dissatisfied, and when, in June, an immense mass of foreign merchandise, shipped from Scotland, arrived in the Thames, both the ships and their cargoes were seized by the custom-house officers, and their seizure gave rise to much contention and ill-feeling.

This, however, was rather a personal and a temporary grief, but there were others which were more general and threatened to be of longer continuance. Even with the small duties exacted on foreign goods in Scotland before the union, smuggling had been carried on to a considerable extent, but now that the temptation was made so much greater by the imposition of the heavy customs which had previously been confined

to England, the contraband trade increased to such an extent as to be truly alarming, and the common people had been so generally taught by the political agitators that the union was illegal, that they not only assisted the smugglers, but offered open resistance to the authorities, and even in some instances recaptured the smuggled goods which had been seized. This spirit of resistance prevailed to such an extent, that few Scottishmen could be found willing to be employed in enforcing the laws against the smugglers, and it was found necessary to fill the revenue service with Englishmen, which again was made no small subject of discontent. The entire system was new to the Scots, who felt a sort of humiliation in seeing their coasts and the mouths of their firths watched by armed cutters and boats manned with English sailors, who stopped and searched every vessel that entered. Nor were the people better satisfied with the excisemen, who also were chiefly Englishmen, for the Scots obstinately refused to understand or learn the duties of a gauger. The tax had previously been collected in so loose a manner that the brewers had been allowed to give their own estimate of what they had to pay for, and they now regarded with contempt as well as with astonishment the strange innovation of "bringing sticks to their barrels," as they called it.

The mismanagement in the payment of the equivalent was another subject of great discontent and clamour. Although the money had been promptly voted by the parliament in England, there was great delay in forwarding it to Scotland, so that when the period fixed for the payment expired, it had not arrived. The enemies of the union exclaimed loudly against this as a breach of faith, and, while some declared their opinion that England never intended to pay the money at all, others proclaimed that, as England had broken the agreement between the two countries, the act of union was now null, and therefore binding on nobody. One night, after all the citizens had retired to rest, a party of men paraded the streets of Edinburgh, and halting at the cross, there read a protest in the name of the Scottish nation, that the conditions not having been fulfilled by England, the treaty of the union was void, and that all Scots were at liberty to deliver themselves from it whenever they would. It was said that the duke of Hamilton headed this midnight demonstration. At length, in the

month of August, the money arrived, and was conveyed to the castle of Edinburgh in twelve waggons guarded by dragoons. As they passed along the street, an infuriated mob accompanied them with curses and execrations, and the general odium under which the transaction laboured was increased not a little when it was found that nearly three-quarters of the money was sent in paper. The bank of England had that year advanced to government a sum of one million two hundred thousand pounds upon exchequer-bills bearing interest, which were easily disposed of in London, where they were more convenient to the merchants even than money; but in Scotland they were almost useless, as there were neither funds to meet them, nor large money transactions in which they might be used. The clamour against the bad faith of England was so great, and the refusal to take the bills so general, that the commissioners were seriously embarrassed, and it was with no little difficulty that they persuaded the claimants on the African company to accept half money and half bills, and some took unwillingly bills of exchange on London for the whole of their claims. Nor is this unwillingness to be wondered at when we consider that they were by this transaction losers of a considerable portion of a year's interest on their dividends. The recall and reissue of the coinage, though performed with the utmost fairness and with as much expedition as possible, was also the cause of considerable temporary inconvenience, and the attempt to introduce a uniformity of weights and measures ended in a complete failure.

Amid all this confusion and discontent, the jacobites began again to take courage and raise their heads, and in most parts of the kingdom they celebrated publicly the birthday of the pretender, while the other parties in the state looked on with apparent apathy. The court of France, informed of the agitation in Scotland, imagined that the moment was come for a successful intrigue in that quarter, and colonel Hooke was again sent over secretly to sound the disposition of the Scottish chiefs. He was directed to make sure of making such a diversion in Scotland as would embarrass the English government and oblige it to recall a portion of the English troops then engaged on the continent. The French king assumed that the Scottish nobility were able to assemble from twenty-five to thirty thousand men, to clothe, arm, and equip them, and

to maintain them in the field during two months, commencing with the beginning of May; and he was urged to procure from them a written obligation, with an exact estimate of their own forces and means, and a statement of the succours they expected, while he was cautioned particularly against saying or doing anything calculated to commit the French king. Hooke's written instructions told him that, "before a revolution which should end in the restoration of the lawful sovereign is begun, it is necessary to enter into a particular detail of the forces and means which the Scots can employ to accomplish it, and of the succours which they may promise themselves from the protection of the king, who is no less interested in the success of this enterprise than his Britannic majesty [*i.e.*, the pretender.] It is for these considerations that his majesty hath judged it proper, before he makes any positive promise to the Scots, to send over Mr. Hooke, in order to acquire upon the spot a perfect knowledge of the state of things, to form a well-digested plan with the nobility, to render it to writing, and to get it signed by the principal men of the country, giving them assurances of his majesty's main desire, and his disposition to send them the succours which may be necessary for them; and his majesty recommends in a very particular manner to Mr. Hooke, not to engage him in expenses which those he is obliged to lay out elsewhere will not allow him to support, nor to give them any room to hope for more than he can furnish."

Colonel Hooke reached Scotland in the latter end of March, 1707, and landed at Slaines castle, on the coast of Buchan. He brought with him a declaration of war, in the name of the pretender, expressed in the following terms:—"James VIII., by the grace of God king of Scotland, &c., to all our beloved subjects of our ancient kingdom of Scotland, greeting. Whereas we are firmly resolved to repair to our said kingdom, and there to assert and vindicate our undoubted right, and to deliver all our good subjects from the oppression and tyranny they have groaned under for above these eighteen years past, and to protect and maintain them in their independency and all their just privileges which they so happily enjoyed under our royal ancestors, as soon as they have declared for us; we do, therefore, hereby empower, authorise, and require all our loving subjects to

declare for us, and to assemble in arms, and to join the person whom we have appointed to be captain-general of our forces when required by him, and to obey him, and all others under his command, in everything relating to our services; to seize the government and all forts and castles, and use all acts of hostility against those who shall traitorously presume to oppose our authority, and to lay hold and make use of what is necessary for the arming, mounting, and subsisting our forces, and obstructing the designs of our enemies." There was something so preposterous in calling upon the Scots to compare the *liberty* they had enjoyed before the revolution with the *tyranny and oppression* they had suffered since, that such a declaration as this, which gave no pledge whatever for the security of religion or liberty, could only be a subject of mockery to the protestant population, and was not likely to be received beyond the extent of the blind jacobitism of the highlanders. Nor were they likely to receive much encouragement from a proclamation which called upon them to expose their lives and properties to immediate danger, while it only promised them the presence of their prince when their success should have made it possible for him to appear among them without danger; for Hooke did bring a written assurance from the pretender, "that as soon as they should appear in arms, and have declared for us, we design to come in person to their assistance with the succours promised us by the most christian king, which cannot be obtained till they have given the evidence of their dispositions."

Hooke arrived at Scotland at an inopportune moment, for not only had the act of union passed the Scottish parliament, but there was a decided division in the jacobite party, corresponding in some degree with a division in the pretender's own court at St. Germain's, where Middleton and the ex-queen formed one party, and the pretender and the earl of Perth another. The duke of Hamilton, who was less decided in his jacobitism, corresponded with the former faction, and the duke of Athol with the latter. Slaines castle was a seat of the earl of Errol, and the countess-dowager of Errol, who was a sister of the earl of Perth, had come to reside in it for the purpose of receiving colonel Hooke, who thus placed himself in immediate connection with the most violent division of the jacobite

faction. Neither Hamilton nor Athol placed any confidence in the designs of the king of France, or in the honesty of Hooke, and both discouraged their friends from making any open demonstration in favour of the pretender, yet the countess of Errol gave him the most flattering accounts of the readiness of the jacobites to support the exile prince. Her son, the earl of Errol, wrote to Hooke in language equally encouraging, and declared that the "well-affected" in Scotland were all convinced that they should obtain better terms for themselves and their country with their swords in their hands than those of the treaty of union. Hamilton, more discreet, sent only a verbal message, expressing his belief that nothing could be done until the pretender showed himself among them in person, but declining to correspond in writing with the envoy. When, informed of the suspicions of the jacobites that Hamilton was playing them false, Hooke sought an interview with him, the duke suddenly pleaded sickness and could not be seen. Errol himself had been put on his guard against the secret envoy, and when he went northward to meet him, he carried with him three letters from France, one written by Innes, the almoner of the ex-queen, who wished the friends of the pretender to be guided in their actions by the duke of Hamilton, and not to venture anything until he declared himself; a second, from lord Middleton's secretary to a friend in Edinburgh, assuring him that Hooke's mission was a mere feint, and that they were to expect nothing from the king of France; and a third lamenting the hopeless condition of the exiles and their friends. When these letters were shown to him, Hooke was not disconcerted, but he presented letters addressed to the earl of Errol from the king of France and the pretender, and at the same time showed him his credential, with which the earl appears to have been satisfied, and he told him he would consult with his friends with regard to the arrangement of a treaty. This, however, was not what Errol wanted, for his aim was "to put the Scots in motion," as he called it, and that with the least possible expense or risk to the king of France; and, having entered into communication with Athol, he tried to play off these two noblemen against one another; while he proceeded to sound the disposition of the presbyterians. He addressed himself

chiefly to Kerr of Kersland, and he appears to have put entire faith in his declaration, "that the presbyterians are resolved not to agree to the union, because it hurt their consciences, and because they are persuaded that it will bring an infinite number of calamities upon this nation, and will render the Scots slaves to the English. They are ready to declare unanimously for king James, and only beg his majesty that he will never consent to the union, and that he will secure and protect the protestant religion. The declaration with regard to religion ought to be in general terms. Those among the presbyterians who are called Cameronians will raise five thousand men of the best soldiers in the kingdom, and the other presbyterians will assemble eight thousand more. They beg that the king of England [the pretender] would give them officers, especially general officers, and send them powder, for they have arms already. Whenever his Britannic majesty shall have granted the preceding demands, and shall have promised to follow his supplies in person to Scotland, they will take arms against the government, and will give such other assurances of their fidelity as shall be desired. Provided powder be sent them, they engage to defend their own country with their own forces alone against all the strength of England for a year, till the arrival of the king." According to Hooke's account, Kerr further stated that the presbyterians were ready to co-operate with papists or episcopalians in the restoration of the exiled dynasty.

Hooke, believing himself sure of the earl of Errol, now determined to make another attempt upon the duke of Hamilton, and sent him word that, as he was directed to address himself especially to him, he was very anxious for a personal interview. Hamilton sent a priest named Hall as his agent, who gave Hooke a verbal reply to his message, with an abundance of personal compliments, but requesting to know what were the proposals to be made by "the king." He pressed him to repair to Edinburgh, where Hamilton would make an effort to see him. Hooke confessed that he brought no proposals from the king, but, on the contrary, he came for the proposals of the Scots; and he offered to go to Edinburgh if he were assured of an interview with the duke. Hall then said that the duke was so ill it was uncertain if he would be able to see him, but that he was

authorised to tell him that Hamilton was transported that the king had thought him worthy of receiving a letter from his majesty, but that, as he had received no letter from the queen, he took it for granted that she disapproved of the design, and unless it had her approval he could not intermeddle in it. He added, that unless Hooke had any proposals to make, it was useless to proceed any further in the matter. Hooke, upon this, altered his tone somewhat, and, pretending to be offended at the duke's behaviour, said that the latter had been long soliciting succours of France, and now that he was come from the French king to grant them, it was Hamilton's duty to make proposals. Hall, upon this, inquired what support the king of France was prepared to give the Scots. In reply to this, Hooke said it was a question to be decided after he knew the forces they could raise and their means of supporting them, for, though he was willing to assist the Scots in making war, he was not prepared to make war for them. Hall then said that the duke of Hamilton expected the king of France would send them an auxiliary force of ten thousand men, a demand which Hooke treated as ridiculous, and disrespectful to the king. At the close of the conversation he whispered to Hall that he had a private communication to make to the duke, and that in the hope of being admitted to an interview he would wait four days before he communicated with the other lords on the object of his mission. At the end of the four days he received a written message, to the effect that the duke was still too ill to be able to see him, which must also for the present be an excuse for not answering the pretender's letter; that he regretted extremely that he had not been able to give him (Hooke) an interview, that he was ready to concur in all reasonable measures for bringing back the king, but that it was his opinion that it was useless for him to risk his person in Scotland unless he brought with him a considerable force.

The nobles of Hamilton's party followed the example of the duke, and finding he could do nothing with them, colonel Hooke now addressed himself earnestly to the duke of Athol, who, however, did not appear in person, but deputed the office of treating to his brother the lord James Murray and some other nobles of his party. They at first asked much the same questions as had been put by the priest Hall, and made similar

demands, but after a good deal of negotiation, they were so far blinded by their jacobitism that they agreed to accept the protection of the French king, and the following memorial was drawn up and subscribed with the names of Errol, Panmure, Stormont, Kinnaird, James Ogilvy of Boyne, N. Murray, N. Keith Drummond, Thomas Fotheringham of Pourie, and Alexander Innes of Coxtoun:—"We, the underwritten peers and lords, having seen the full power given by his most christian majesty to colonel Hooke, do, in our own names, and in the name of the greatest part of this nation, whose dispositions are well known to us, accept the protection and assistance of his most christian majesty with the utmost gratitude; and we take the liberty to lay before his said majesty the following representation of the present state of the nation, and of the things we stand in need of. The greatest part of Scotland has always been well disposed for the service of its lawful king ever since the revolution, as his most christian majesty has often been informed by some among us, but this good disposition has now become universal; the shires of the west, which used to be the most disaffected, are now very zealous for the service of their lawful king. We have desired colonel Hooke to inform his most christian majesty of the motives of this happy change. To reap the benefit of so favourable a disposition, and of so happy a conjuncture, the presence of the king our sovereign will be absolutely necessary; the people being unwilling to take arms without being sure of having him at their head. We have desired colonel Hooke to represent to his majesty the reasons of this demand. The whole nation will rise up on the arrival of their king; he will become master of Scotland without opposition, and the present government will be entirely abolished. Out of this great number of men we will draw twenty-five thousand foot and five thousand horse and dragoons, and with this army we will march straight into England; we and the other peers and chiefs will assemble all our men each in his respective shire. The general rendezvous of the troops on the north of the river Tay shall be at Perth; those of the western shires shall assemble at Stirling; and those of the south and east at Dumfries and Dunse. Those that shall be nearest the place where the king of England shall land, shall repair to him. We have computed

the number of men which will be furnished by each of the shires that we are best acquainted with; and we have desired colonel Hooke to inform his most christian majesty thereof. For the subsistence of these troops, there will be found in our granaries the harvest of two years; so that a crown will purchase as much flour as will keep a man two months. There will be commissaries in each shire to lay up the corn in the magazines in such places as shall be thought most proper; and commissaries-general, who will take care to supply the army with provisions, wherever it shall march. The same commissaries will furnish it with meat, beer, and brandy, of which there is great plenty all over the kingdom. There is of woollen cloth in the country enough to clothe a greater number of troops, and the peers and other lords will take care to furnish it. There is a great quantity of linen, shoes, and bonnets for the soldiers; they will be furnished in the same manner as the woollen cloths. Of hats there are but few. The same commissaries will furnish carriages for the provisions, the country abounding therein. The inclinations of all these shires, excepting those of the west, for the king of England have been so well known, and so public at all times since the revolution, that the government has taken care to disarm them frequently, so that we are in great want of arms and ammunition. The highlands are pretty well armed after their manner. The shires of the west are pretty well armed. The peers and the nobility have some arms. There is no great plenty of belts and pouches, but there are materials enough to make them. The few cannons, mortars, bombs, grenades, &c., that are in the kingdom, are in the hands of government. No great plenty will be found of hatchets, pickaxes, and other instruments for throwing up the earth; but there are materials for making them. Commissaries will be appointed to furnish cattle for the conveyance of the provisions, artillery, and carriages, the country being plentifully provided therewith. There are some experienced officers, but their number is not great. With respect to money, the state of the nation is very deplorable. Besides that the English have employed all sorts of artifices to draw it out of the kingdom, the expedition of Darien has cost large sums; our merchants have exported a great deal; we have had five years of famine, during which we were obliged to send our money into England

and Ireland to purchase provisions; and the constant residence of our peers and nobility at London has drained us of all the rest. What our nation can contribute towards the war is therefore reduced to these two heads: the public revenue, which amounts to one hundred thousand five hundred pounds sterling a year, and what the nobility will furnish in provisions, clothes, &c., the quantities and proportions of which will be settled upon the arrival of the king of England. Having thus set forth the state of the nation, we most humbly represent to his most christian majesty as follows:—That it may please his most christian majesty to cause the king, our sovereign, to be accompanied by such a number of troops as shall be judged sufficient to secure his person against any sudden attempts of the troops now on foot in Scotland, being about two thousand men, who may be joined by three or four English regiments now quartered upon our frontiers. It would be presumption in us to specify the number; but we most humbly represent to his majesty, that the number ought to be regulated according to the place where the king of Scotland shall land. If his majesty lands north of the river Tay, a small number will suffice for his security, because he will be joined in a few days by considerable numbers of his subjects; he will be covered by the river Tay and the firth of Forth, and all the shires behind are faithful to his interests. But if, on the contrary, his majesty lands upon the south-west or south coast, he will want a large body of troops, on account of the proximity of the forces of the English, and of their regular troops. We believe that eight thousand men will be sufficient. But with respect to the number of the troops, we readily agree to whatever shall be settled between the two kings, being persuaded that the tenderness of the most christian king for the person of our sovereign falls noway short of that of his faithful subjects. We also beseech his majesty to honour this nation with a general to command in chief under our sovereign, of distinguished rank, that the first men of Scotland may be obliged to obey him without difficulty; and to cause him to be accompanied by such general officers as the two kings shall judge proper. The peers and other lords, with their friends, desire to command the troops they shall raise in quality of colonels, lieutenant-colonels, captains, and ensigns, but we want majors, lieutenants, and sergeants, to disci-

pline them. And if our enemies withdraw their troops from foreign countries to employ them against us, we hope that his most christian majesty will send some of his over to our assistance. The great scarcity of money in this country obliges us to beseech his most christian majesty to assist us with a hundred thousand pistoles, to enable us to march straight into England. We stand in need also of a regular monthly subsidy during the war; but we submit in that article to whatever shall be agreed upon by the two kings. We likewise beseech his most christian majesty to send with the king, our sovereign, arms for twenty-five thousand foot and five thousand horse or dragoons, to arm our troops, and to be kept in reserve, together with powder and balls in proportion, and some pieces of artillery, bombs, grenades, &c., with officers of artillery, engineers, and cannoneers. We submit in this also to whatever shall be settled between the two kings. We have desired colonel Hooke to represent to his most christian majesty the time we judge most proper for this expedition, as also the several places of landing, and those for erecting magazines, with our reasons for each; and we humbly beseech his majesty to choose that which he shall like best. And whereas several of this nation, and a great number of the English, have forgot their duty towards their sovereign, we take the liberty to acquaint his most christian majesty, that we have represented to our king what we think it is necessary his majesty should do to pacify the minds of his people, and to oblige the most obstinate to return to their duty, with respect to the security of the protestant religion, and other things it will be necessary for him to grant to the protestants. We most humbly thank his most christian majesty for the hopes that he has given us by colonel Hooke, of having our privileges restored in France, and of seeing our king and this nation included in the future peace; and we beseech his majesty to settle this affair with the king, our sovereign. We have fully informed colonel Hooke of several things which we have desired him to represent to his most christian majesty. And we are resolved mutually to bind ourselves by the strictest and most sacred ties to assist one another in the common cause, to forget all family differences, and to concur sincerely and with all our hearts, without jealousy or distrust, like men of honour, in so just and glorious an enterprise."

Those who actually signed this document, also answered by proxy for a certain number of other noblemen, among whom were the duke of Athol, the earls of Niddesdale, Traquair, Galloway, Hume, Wigton, Linlithgow, Murray, Caithness, Eglintoun, Aberdeen, and Buchan, the lords Kenmair, Nairn, Sinclair, Semple, Oliphant, and Saltoun, many other men of note, and some entire counties and districts. How far they were authorised thus to employ their names is a question which has been disputed. Athol avoided all personal participation on the plea of sickness. Lord Breadalbane, who was eighty years of age, declined attaching his signature to the document, but gave a general promise of assistance in the enterprise. The duke of Gordon refused to sign, because he was unwilling that his king should risk his person by coming to Scotland. The earl Marshall was, like Athol, on the sick-list, but he offered them the ordnance which was in Dunnottar castle, consisting of twenty-eight field-pieces and two battering cannons.

The instructions given to colonel Hooke bore the mark of having been drawn up by the violent jacobites, without any consultation with the presbyterians. The pretender was advised to evade the promise of anything particular on the head of religion, by referring the matter to his first parliament; but they expressed a hope that he would grant a general amnesty. They represented that there were only four principal chiefs who favoured the union, and that they were all unpopular among their vassals, who would desert immediately to the pretender's standard, if they were assured of freedom to forsake their feudal lords. They therefore recommended him to offer a release from all feudal obligations to the vassals of those who were opposed to him. They professed a great predilection for France; spoke of the ancient alliances with that country; and said that they always looked to it for the restoration of their liberties and king. They recommended Leith as the best place for effecting a landing, whereby the pretender might at once become master of the capital, where he would be in the midst of supplies of every description, and which was equally convenient for collecting his forces from the north and west, and for organising an expedition against England. Two other places, Kirkcudbright and Montrose, were mentioned; the former possessed several advantages, but the jacobites, though they

appear to have been confident in the co-operation of the presbyterians in the west, were unwilling to give them a chance of obtaining an influence over the king by throwing him among them at the first start, while Montrose, though a strong position and in the midst of the pretender's friends, was judged to be too far north. It was further suggested that the expedition might be undertaken most advantageously in the month of August or September, when the English fleet was expected to be absent, and the campaign being nearly at an end for the year, would enable the king of France to detach a part of his troops with greater ease. With these instructions and the memorial, Hooke returned to France, assuring the Scottish jacobites that their king would come to them in the following August. He was received in France with joyful congratulations, and for a while the party who were for immediate action triumphed over that of the queen and Middleton at the court of St. Germain's. But the promise of bringing over the pretender in August was not fulfilled, and the year passed away without any further proceedings on the part of the king of France.

Meanwhile, in Scotland, the irritation caused by the seizure of the Scottish ships and their cargoes in the Thames, continued to rankle in people's bosoms, and it was the more widely spread from the circumstance that much of it is said to have been the speculation of the younger sons of the nobility. Many of those to whom the property belonged, which consisted mainly in wines and spirits, had risked all they had in the adventure, and were unable to support the expense of legal proceedings; but others risked a lawsuit, rather than lose their entire property. In England, the fears of the merchants for what could only be a temporary evil subsided rapidly, especially as a great part of the merchandise had been spoilt or at least kept out of the market, and by the beginning of November, when the British parliament met, it had entirely passed away. In opening the parliament, the queen recommended the affair of the seized merchandise for consideration, and the house of commons, in an address to the queen, requested her to order her attorney-general to stop all further proceedings against the Scottish proprietors of the merchandise. In further accordance with the queen's suggestions, the parliament repealed the act of security, and passed a bill for

rendering the union more complete, which provided that there should be but one privy council in the kingdom of Great Britain; that the militia in Scotland should be regulated in the same way as in England; that the powers of the justices of the peace should be the same throughout the united kingdom; that, for the better administration of justice and preservation of the public peace, the lords of justiciary should be appointed to go circuits twice in the year; and that the votes for electing members to serve in the house of commons for Scotland should be directed to the sheriffs of the respective counties, and the returns made in the same manner as in England. This bill met with rather a warm opposition by the ministry and those who considered the Scottish privy council as an important instrument of power, but its proceedings had been on many occasions so iniquitous and tyrannical, that the people in general felt little regret at the fate of what its friends represented as one of the most venerable institutions of their country.

When thus the irritation in Scotland, which had been caused by the seizure of the merchandise, and which led Athol's party to believe that the whole kingdom would join the pretender, had gradually subsided, the king of France resolved to do in 1708, what he ought to have done in the preceding year. He appears to have come to this resolution in a pique, occasioned by the attack of the allies on Toulon. Preparations were immediately made at Dunkirk with the greatest secrecy, to which place about five thousand troops were drawn from the garrisons of St. Omer's, Calais, Bergues, Aire, and Lisle. A fleet was at the same time collected in the harbour, consisting of five ships-of-the-line, and two others fitted up as transports, with twenty-one frigates. The command of the fleet was given to the count de Fourbin, and the troops were commanded by M. de Gace, created for this purpose mareschal de Matignon. The pretender himself was not informed of these preparations until they were completed, when he proceeded to Dunkirk to join the expedition, and was provided as a sovereign prince with a superb field equipage, services of gold and silver plate, and splendid uniforms and liveries for his guards and servants. He assumed on this occasion the title of the chevalier de St. George. The day before he left St. Germain's, he was visited by the king

of France, who presented him with a sword, the hilt of which was studded with diamonds, and told him not to forget that it was French. The pretender replied that, if he had the good fortune to regain the throne of his fathers, he would revisit France to express his acknowledgments in person; in answer to which Louis said, that the best thing he could wish him was, that he might never see him again. As the chosen champion of the Romish faith in Britain, the standards of the pretender's forces bore the significant mottoes, *Nil desperandum Christo duce et auspice Christo* (there is no room to despair, when Christ is our leader and protector), and *Cui venti et mare obediunt, impera, Domine, et fac tranquillitatem* (Thou, Lord, whom the winds and sea obey, command that it be calm.) In the same spirit, the French king addressed a letter to the pope in the following words:—"Holy father, the great zeal which I have always had to re-establish on the throne of England king James Stuart III., is well known to you; though there was not hitherto a time proper for it, as well by reason of the circumstances as by the union of my enemies, which did not allow me to act in so righteous a cause for our holy faith, the chief object of all our actions. We have now thought good to let him depart from our royal seat on the 7th of March, in order to embark himself on board a fleet, where everything has been prepared for him, with sufficient forces to establish him on the throne, after he shall have been received on his arrival by the faithful people of Scotland, and proclaimed as their true and lawful king. I have thought it fit not to omit sending you this important news, that by your ardour the union of our holy mother the church may increase in that kingdom, and that God may prosper him, while the time is favourable. It remains now, holy father, for you to accompany him by your zeal and by your holy benediction, which I also ask for myself, your most loving son."

No sooner was the pretender informed of the real intentions of the king of France, than he dispatched Mr. Charles Fleming, a brother of the earl of Wigton, to communicate with his friends in Scotland, and give them assurance that he would soon be present in person among them. He carried instructions to certain noblemen and gentlemen of the Athol party, authorising them to seize suspected persons with their horses,

to prevent the public money from being sent out of the shires, to enter into private intrigues wherever it was possible for obtaining possession of fortresses and places of strength, to put himself in correspondence with the disaffected in the north of England and in Ireland, and to appoint gentlemen to hold themselves ready on the east coast of the Lothians and other parts of the coasts of Fife, Angus, and the Mearns, who, on a given signal, might repair to the first ship which should appear on the coast, for the purpose of giving full information on the state of the country and carrying on board pilots who were well acquainted with the coasts, and whose fidelity might be depended upon. The more zealous jacobites in Scotland received the intelligence of the design of the French armament with the utmost joy, and when, early in March, Fleming landed at Slaines castle, he was welcomed by the earl of Errol, who lost no time in communicating the intelligence to Malcolm of Grange, and to the pretender's friends in Fife and Lothian. The messenger employed in doing this was a skipper of Edinburgh named George, who had been selected as the pilot to bring "the king" up the firth, and who was directed also to repair to Edinburgh and inform captain Straiton and Lockhart of Carnwath, of the arrival of Fleming, and of the nature of the instructions he had brought with him. But skipper George was so elevated with the character of his employment, that, falling in with friends in Edinburgh, he remained carousing, boasting, and drinking the health of "king James," until the matter was talked of in the town, and the authorities, who had already received information of the intended invasion from different quarters, were put on their guard. In the meantime similar information was dispatched to the earl Marischal, who proceeded in person to the district of Mar to superintend the preparations for James's reception, and Fleming himself went to communicate directly with the chiefs in Angus and Perth. He was introduced to the duke of Athol by Lord Nairn, but as Athol, who had five months before warned his vassals to be in readiness, was not inclined to call them out until he knew who was to command them, Fleming had recourse to an untruth, and gave him to understand that the pretender was to be accompanied by the duke of Berwick. The marquis of Breadalbane undertook to watch the Campbells. The two sons of the exiled

duke of Perth, the marquis of Drummond and the lord Charles, who were residing at Drummond castle, entered zealously into the plot, and readily undertook to employ all their influence to secure its success. In Stirlingshire, Fleming found the jacobite leaders equally zealous, and waiting only for the signal, which was to be given them by the earl of Linlithgow. The titular Roman catholic primate, Nicholson, was at the same time exerting his influence among his co-religionists in the north. The impatience of some of the leaders could be with difficulty restrained, and when, towards the end of March, a false rumour was spread abroad that the pretender had landed in the north, several of the lesser chiefs suddenly rose up in arms, but on being assured that the report was not true, they immediately separated and remained quiet.

There was now, however, no need of such demonstrations to put the government on its guard, for they had received sufficient warnings from quarters whence its accuracy could not be doubted. The Dutch had first suspected the real design of the armament at Dunkirk, and had given information of their suspicions, and intelligence of the arrival of the pretender at that port was instantly conveyed to the English government. As early as the 4th of March, the queen communicated the substance of these informations to the British parliament, and of the danger of an immediate invasion. Both houses replied with loyal addresses; and bills were immediately passed for enforcing the abjuration oath and for suspending the operation of the habeas corpus act in cases of persons suspected of treason. The Scottish clans were absolved from their vassalage to such chiefs as took up arms in favour of the pretender and against the queen; and the chevalier himself and his adherents were proclaimed rebels.

The preparations of the English government to meet the threatened invasion were energetic and decisive. Troops were moved towards the Scottish border, and to the north of Ireland, to be in readiness for any emergency that might occur, while every arrangement was made for the rapid transport of forces from the Netherlands. A fleet was fitted out with the utmost expedition, and was joined by the squadron intended for Lisbon, and within a fortnight after the first intelligence of the French king's design reached the English

court, a fleet of forty men-of-war, under the command of sir George Byng, sir John Leake, and lord Dursley, arrived off Mar-dyke to watch the port of Dunkirk. The comte de Fourbin, who commanded the French fleet, was so completely disconcerted by this unexpected proceeding, that he dispatched an express to Paris, representing the hopelessness of the expedition, and begging to be allowed to resign the command. In order to excuse the delay thus occasioned, a report was spread that the chevalier, as the pretender was now generally called, was attacked by the measles, and that it was not advisable for him to embark before his recovery. The king, however, returned positive orders to proceed with the expedition, and the chevalier having immediately recovered, Fourbin, who continued in the command of the fleet, prepared to seize the first opportunity of sailing. This opportunity was furnished by a heavy gale which set in on the 14th of March, and compelled the British fleet to return to the Downs. On the afternoon of the 17th, the wind promising to be favourable, the French set sail, but before night it changed, and they were obliged to anchor off Newport, and the weather became so tempestuous that three of their frigates were separated from them and compelled to return and take refuge in Dunkirk. The remainder of the fleet was detained off Newport till the 19th, when the wind again shifted. The three vessels driven back to Dunkirk contained eighteen hundred men of the troops, and a large portion of the military stores, which, when complete, were far below the expectations of the Scottish jacobites, so that it became a matter of serious consideration whether it were advisable to proceed in their present condition; but, at a council held in the chevalier's cabin, it was resolved to continue their course to Scotland. The chevalier himself voted for proceeding. It was further resolved to make for the Forth, and land their troops at Burntisland, whence a detachment was to be sent forward to take possession of Stirling-bridge. This plan was proposed by Middleton, contrary, it was said, to the advice of colonel Hooke, who wished them to land in the north. It was not till the 23rd that they came in sight of the Scottish coast, and, finding that they had overshot the mouth of the Forth, they were obliged to sail south again to regain it. The French fleet anchored

at the Isle of May, while, as it had been agreed, a frigate was sent up the river under English colours to give the preconcerted signal by firing twenty guns. The signal, however, was not answered, and, when next morning the British fleet made its appearance, Fourbin gave orders to take advantage of a favourable gale which sprung up and to put to sea with all speed. The French admiral now appointed the bay of Cromarty or Inverness as the place of rendezvous in case of separation, and the fleet proceeded again in a northerly direction, pursued by the British, who kept up a running fight with their rear during the afternoon, and captured one of their ships. While this engagement was going on, the chevalier was very urgent with the comte de Fourbin to be put on shore, declaring that he was willing to remain in Scotland, though none were with him but his own domestics, but Fourbin rebuked him for his indiscretion. As the French fleet was fitted for sailing rather than for fighting, they soon gained on their pursuers, and on the morning of the 29th, having entirely lost sight of the enemy, another council was held, and it was resolved to land at Inverness. But the wind was again contrary to them, and finding at the same time that their provisions were running short, there was no alternative but to return to France, and the admiral gave the order for sailing direct to Dunkirk. They reached the French coast with no further mishap, except the loss of a great number of men by sickness consequent on the crowded state of their ships, those who remained being almost all in a condition which made it necessary to send them into hospital as soon as landed.

In Scotland there was no apparent sympathy for this expedition, and no extensive preparation was made to assist or receive it. When sir George Byng returned from the pursuit, the city of Edinburgh testified their satisfaction at the defeat of the enterprise by presenting him with the freedom of the city in a gold box. The duke of Hamilton had prudently retired into England, and his mother, the dowager-duchess, who remained in Scotland, refused to act in any way during his absence. Almost the only one of his party whose hopes were not damped by this unsuccessful attempt was the pretender himself, who, towards the end of April, sent letters and instructions to his adherents in Scotland, assuring them

that he was preparing for another attempt. He proposed to repair in person to the highlands, with a supply of money, arms, and ammunition, and put himself at the head of his subjects if he found them in arms. If they were not yet up in arms, he urged them to rise as speedily as possible, promising that he would repair to them as soon as he received their answer, adding that, "as he was so desirous of venturing his own person, he hoped they would follow his example, as the time was critical, and not to be neglected." He further assured them of the design of the French king to send over troops to their aid, and promised to stay with them in the highlands until those troops arrived, or at least until the encouraging appearance of things in the south should justify him in proceeding to the lowlands. He was, indeed, so sanguine at this moment, that he actually appointed an engraver to the mint, and gave directions for a coinage.

His friends in Scotland, however, were in the deepest discouragement; for hardly was the danger of invasion over, when the English government turned its attention to those who were known or suspected to have favoured it, of whom considerable numbers were thrown into prison. It gave the English ministers an important advantage in the impending elections, as the parliament was on the eve of dissolution, and their most dangerous opponents were thus deprived of the power of interfering. In the queen's speech on proroguing parliament on the 1st of April, 1708, preparatory to its dissolution, the term "pretender" is said to have been first introduced into the language of parliament. She told the house of commons she took the supplies "to be such undeniable proofs of your zeal and affection to my service, as must convince everybody of your doing me the justice to believe, that all which is dear to you is perfectly safe under my government, and must be irrecoverably lost if ever the designs of a popish pretender, bred up in the principles of the most arbitrary government, should take place." The treatment of the prisoners, who belonged chiefly to the nobility or to the higher classes, gave general offence, because it was unnecessarily insulting and humiliating. As there was no longer a privy council in Scotland, the prisoners were carried to London, in three bands, under a convoy, and publicly exposed to the gaze of the multitude. The duke of

Hamilton had been placed under arrest in England, but by engaging to support the ministers in the ensuing elections he obtained his own liberty and that of his friends. Most of the others were, after examination before the privy council, admitted to bail, an act of indulgence for which they felt little gratitude, as they were already smarting under a sense of degradation, which proved fatal to lord Belhaven, who was seized with an inflammation of the brain, which ended in a few days in his death. Such only as had actually appeared in arms, as the Stirlings of Keir, and Carden and Seaton of Touch, were sent back to Scotland to stand their trial for treason; but even in their case a loop was found in the indictment through which they escaped by a quibble. In the *Salisbury*, the ship captured from the French fleet, were found two sons of the earl of Maitland and the lord Griffin. The latter, now an old man, had been attainted by outlawry for treason committed in the reign of king William, and he was brought to the bar of the queen's bench and a rule made for his execution, but he was reprieved from month to month until he died a natural death.

The general assembly had been appointed to meet on the 15th of April in this year (1708), but amid the alarm of invasion it had been proposed to delay it till a later day. When, however, the failure of the French expedition was known, this proposal was withdrawn, and the meeting was held on the day appointed. The earl of Glasgow, who had been appointed commissioner to this meeting, read a most gracious letter from the queen, in which she expressed much satisfaction at the conduct of the presbyterians in general at a moment when her government had been threatened by invasion from abroad and treason at home, and assuring them of her firm resolution to maintain the Scottish church government as it was then by law established, and to protect them in all their rights and privileges. These sentiments were repeated still

more strongly in the commissioner's speech. Carstairs, who presided as moderator, made an appropriate reply, and, in speaking of the late attempt of the French, he said:—"This assembly doth admire and thankfully acknowledge the surprising and wonderful goodness of an overruling God, in confounding a contrivance that was levelled at the ruin of our holy religion and the civil liberty of not only these nations but of Europe. Blessed be the God of heaven, who hath turned back the haughty enemy with shame, when swelled with hopes of success, of which he did everywhere confidently boast. But whatever encouragement he might have had from some in this part of the island or elsewhere, yet, as it doth already plainly appear, so I am fully persuaded that this assembly will make it manifest to the world, that the presbyterians of Scotland are too sensible of the blessings they enjoy, by the divine favour, under the government of their lawful sovereign queen Anne, and of the many advantages of the late glorious revolution, of which the settlement of the protestant succession by law is none of the least; that they have too great a concern for the protestant church, and too great a detestation of popery and tyranny, and see and hear of too many dismal instances of French government, not to have an abhorrence both of the designs of Versailles and the pretensions of St. Germain's." A dutiful letter was drawn up in reply to that of the queen, and the assembly promised to inculcate the sentiments expressed by their moderator into the people under their charge. They further embodied the moderator's speech into an address to the queen, and appointed a deputation to wait upon her majesty and congratulate her on the delivery of her kingdom from the danger of invasion. They also appointed a day of thanksgiving for God's mercy shown on this occasion. The remaining business of the session related chiefly to ecclesiastical matters, and was mainly distinguished by an increasing ardour against schism and separation.

CHAPTER II.

RESULT OF THE ELECTIONS AND PROCEEDINGS IN PARLIAMENT AND GENERAL ASSEMBLY; ASCENDANCY OF THE TORIES; THEIR DESIGNS AGAINST PRESBYTERIANISM; DEATH OF QUEEN ANNE.

As it has been already stated, the French attempt and its failure had produced a decided effect on the elections in favour of the government. While their hopes were still high in the expected arrival of the promised armament, the jacobites had exerted themselves strenuously to procure the return of as many of their own party to parliament as possible, but the intelligence of the return of the expedition to France, and the subsequent arrest of so many of their own leaders, overwhelmed them with confusion, and their defeat was completed by the desertion of the duke of Hamilton and others who secured their own personal interests at the expense of those of their party. The result was that the whigs everywhere carried the day, and that the tories could only count a few temporizers among the Scottish representatives in the new parliament, which met on the 16th of November, 1708. As this was the first general election which had taken place under the union, there were, as might be expected, many disputed returns, and the disputes were in many instances carried on with great acrimony on both sides. One of the most important questions which arose on this occasion was that of the eligibility of the sons of Scottish peers as members of the house of commons. In England the sons of peers had been always considered as commoners, and partaken of the same rights; but the case was different in Scotland, where the nobility had possessed a far greater power over the other classes of society, and where to admit the sons of nobles into the commons' house would have been simply to deprive the commons themselves of the right of self-representation. In the elections to the present parliament, some of the nobles had presumed on the amalgamation of the systems of the two countries, or they had wished to try the question, and the lords Haddo, Strathnaver, and Johnstone, and the master of Ross, were among the representatives sent by Scotland into the British house of commons. A petition was presented by some of the gentlemen of the county of Aberdeen against the return of lord Haddo,

which brought the question at once before the house of commons, and it was debated in a committee of the whole house on the 3rd of December. It was shown, on one side, that according to the invariable custom in Scotland, when that country had its own parliament, the sons of peers were not eligible, and examples were adduced which proved this to be the case. Now it was declared by the act concerning the election of the Scottish representatives to the parliament of Great Britain, incorporated in the act of union, that none should be capable to elect or be elected to represent a shire or borough in the parliament of Great Britain, for this part of the united kingdom, except such as were previously capable to elect or be elected as commissioners for shires or boroughs to the parliament of Scotland. It seemed clear enough, therefore, that the sons of peers were ineligible. The only counter-arguments adduced were founded on the English practice, which ought, it was alleged, to be then the rule of the whole island; but the commons decided against them, and the lords just mentioned having been declared incapable of sitting in the house of commons, new writs were issued for the election of others in their room.

The next subject of discussion was more difficult to arrange satisfactorily. It arose out of the election of the sixteen peers, and involved the question whether a Scottish peer who had been raised to the rank of a peer of Great Britain, still retained his position as a peer of Scotland, and, in fact, could exercise the rights of two peerages at once. The question was tried in the case of the duke of Queensberry, who had, as has been already stated, been created a British peer by the title of duke of Dover, but who nevertheless claimed to vote as a Scottish peer at the election of the sixteen representatives for the Scottish peerage in the house of lords. In arguing this case, it was represented that if a peer of Scotland, when made a peer of Great Britain, still retained an interest in electing the sixteen for Scotland, this would create an inequality in the peerage, as some peers would have a

double vote, first, personally, and secondly by representation. This would be giving the crown a power which was never contemplated, as by raising a few Scottish peers to British peerages, the ministers would at any time be able to carry the election of the sixteen peers at their pleasure. To this it was replied, that by a clause of an act passed since the union, the peers of England who were likewise peers of Scotland, had their rights as Scottish peers expressly preserved to them. The answer to this was, that a peer of England and a peer of Scotland held their dignities under two different crowns, and by two different great seals; but that, Great Britain including both, the separate inferior peerage must necessarily merge in the greater. It was further argued that, however the case might be with personal rights which existed before the union, it must be different with creations which took place since. The Scottish members were all opposed to the duke of Queensberry's claim, and the result of a division was the rejection of it by a majority of the house of commons, which decided that English peers could not exercise at the same time the rights of Scottish peers.

Several matters relating to Scotland, of mere temporary interest, were brought forward in this parliament, among which were disputes connected with the commercial relations of the two countries, that caused as usual mutual irritation of feeling. A motion was made in both houses for an inquiry into the circumstances connected with the recent French expedition to Scotland; but its only result was a general approval of the conduct of the English government and of the steps it had taken to avert the danger. This was followed by a measure which was certainly an infringement of the act of union. The ministers were displeased at the facility with which the high court of judiciary of Scotland had allowed the traitors taken in arms in Scotland to escape conviction, and they caused a bill to be introduced in the house of commons for the purpose of assimilating the laws regarding high treason in the two countries, or in other words, for introducing the English law of treason into Scotland. This was violently opposed in the commons, and was consequently laid aside, but it was resumed in the lords, although unanimously denounced by the Scottish peers as an attempt to impose the laws of England upon them against their

will. This bill ordained that all crimes which were high treason by the law of England, and those only, should be high treason in Scotland; that the English mode of proceeding should be adopted there; and that the pains and forfeitures should also be the same as in England. The Scottish peers opposed the bill with the utmost perseverance, contesting every clause, but in vain, for the bill passed the upper house, though a most humane and beneficial clause was inserted, abolishing the use of torture, which down to this time was legal in Scotland. The opposition was again powerful in the commons, and in its passage through that house two amendments were carried, the first ordering that the names of the witnesses should be furnished to the prisoner ten days before the trial, and the other providing that no estate in land should be forfeited for the crime of high treason. When the bill was returned to the lords, a proviso was added that these two amendments should not come into effect until after the death of the pretender. This and other circumstances caused so much discontent in Scotland, that it was thought advisable to appease it by an extensive bill of indemnity, in which a general pardon was granted for all acts of treason except those committed on the high seas, an exception which was intended to apply to the personal attendants on the pretender.

The general assembly had again met, and the earl of Glasgow continued to act as the queen's commissioner. He read a letter from the queen, expressed in the same gracious and approving tone as on the former occasion, and seconded it with similar declarations on his own part. A reply, expressive of gratitude for the peace and protection enjoyed by the church of Scotland under her majesty's government, was made by the moderator, Mr. Currie, minister of Haddington. The assembly occupied itself with matters of a purely ecclesiastical character, among which were the propagating of the gospel, the erecting of schools, and the establishment of parish libraries, in the highlands, and various regulations for internal improvements in the church. A subject of some importance, settled at this time, was that of the poor's funds, the collecting and distributing of which was originally vested in the deacons of the church. When the presbytery was abolished in 1661, and therefore the deacons ceased to exist, the justices of the peace were

empowered to appoint overseers in each parish, which overseers were authorised to call for the collection of the parish, and regulate its distribution to the poor. After the re-establishment of presbyterianism, the deacons resumed the regulation of the poor's fund, and, as the office of justice of the peace was laid aside, no attempt was made to interfere with them; but now, at the union, the office of justices of the peace was revived, and they immediately claimed a right of controlling the funds in the hands of the deacons. The assembly opposed this interference, and, through the medium of the commissioner, they obtained a confirmation of their sole right of directing the management of the poor's funds. By this energetic conduct of the assembly, Scotland was probably saved from the imposition of the English system of poor's rates. When the business of the session was over, the commissioner, alluding in his closing speech to the general harmony which had characterised their proceedings, said, "In considering and ordering what has come before us, we have had no disturbance, but much encouragement and assistance from the throne; we have exercised that power our Lord Jesus Christ has allowed his servants for managing the ecclesiastical affairs of his house, and our God hath so guided us, that we have had no eccentric motions beyond our line, or excursions into civil matters—it being the principle, and I hope shall always be the practice of this church, that he who occupies the pulpit should decline the bench, and such as bear office in the holy ministry should not entangle themselves in the affairs of this life. Whatever different thoughts or reasonings have been amongst us as to the expedience or inexpedience of some things in our present juncture or state of affairs, I am confident there is no reformed church more agreed in discipline, worship, and government, than the present established church of Scotland; and therefore let the apostolical exhortation take place, let brotherly love continue; and let all our emulation be, who shall bear the greatest conformity unto the ever-blessed Son of God, who is meek and lowly in heart, and how to attain to wisdom and the understanding of our times."

Times were now approaching, however, which threatened the peace of the church of Scotland as well as that of the country. In England the supremacy of the whigs had given way under the private influence of

Mrs. Masham and the high-church party which was represented by Dr. Sacheverell. This latter movement excited great alarm among the presbyterians in Scotland, which was not lessened by the wavering conduct of some of the Scottish representatives in parliament. On Sacheverell's trial, several of the Scottish peers whose actions had on former occasions been guided by their personal interests, such as the duke of Hamilton, and the earls of Mar, Wemys, and Northesk, voted with the tories and the high-church party. In the midst of these events the general assembly of Scotland met in the month of April, 1710, with the earl of Glasgow again as commissioner, for the whig ministry had not been displaced. Neither the queen's letter nor her commissioner's speech intimated any change in her sentiments towards the Scottish presbyterians, and the replies and acts of the assembly were as dutiful as before, though perhaps expressed with more caution. They made a strong profession of their attachment to the protestant succession, and appointed a fast to humiliate themselves before God for the removal of various crimes which prevailed through the land, but carefully abstained from hinting at any fears for the stability of the kirk. Such fears, nevertheless, evidently weighed heavily on their minds, and no business of importance was transacted during this session of the assembly. Not long after it had broken up, the queen dismissed her whig advisers, and a tory ministry came into power. The duke of Hamilton was immediately rewarded for the sympathy he had already shown for the tories with the lord-lieutenancy of the duchy of Lancaster. The parliament was dissolved, and a general election took place in the very midst of the high-church excitement.

In Scotland, as in England, the elections were carried almost everywhere in favour of the tories, and the whole of the sixteen peers, with about two-thirds of the commons, supported the new ministry, who were joined by several of the great Scottish leaders who had formerly been zealous supporters of the whigs. Among these was Argyle, who was disgusted at the neglect he had experienced from the duke of Marlborough, and Queensberry, who was continued in the new ministry as third secretary of state. Nevertheless, there were few in Scotland who regarded the new ministry with a favourable feeling. The jacobites saw themselves totally disappointed in their

expectations that the tories would promote the restoration of the house of Stuart, while the presbyterians hated and feared their episcopalian prejudices. Nor did the tories, now in power, attempt to conciliate any of the parties in Scotland, and they gave the utmost offence to the mercantile classes by the restrictions they were inclined to place upon their commerce. One of the most offensive of these measures was the imposition of a duty upon the staple manufacture of the country, its linen, which seemed the more unfair as the English woollen manufactory was exempted from duty. This bill was so warmly opposed by the Scottish members in the house of commons, that, after a long debate, Harley allowed his annoyance to find expression in a peevish and inconsiderate remark—"Have we not," he said, "bought them, and a right to tax them? pray, for what end did we give the equivalent?" One of the Scottish members, Lockhart, rose indignantly and replied that, "He was glad to hear now publicly acknowledged by the right honourable gentleman a truth of which he had never doubted, that Scotland had been bought and sold, but he much admired to hear from one who had so great a hand in the purchase, that the equivalent was the price; as nothing was more certain than that the equivalent was paid to Scotland on account of a sum with which the Scottish customs and excise were to be charged, and which was to go to the payment of English debts contracted before the union. Since, therefore, Scotland was bought and sold, it must have been for a price never yet brought to light, and he would be extremely glad to know what the price amounted to, and who received it." An equally obnoxious measure for regulating the linen trade of Scotland, gave rise to still more bitter expressions of feeling in debate; but both bills were passed by ministerial majorities, though that for regulating the linen trade was ultimately thrown out on the question of amendments.

Still, in Scotland, the feeling of alarm ran high among the presbyterians, who looked in vain for any prospect of protection in case the existing establishment of their church were attacked. In their jealousy of the episcopalians, the presbyterians had exhibited a rather unwise intolerance of the English forms of worship, even when exercised only by the chaplains of the regiments sent to protect the country against

invasion. An example occurred at this time, which shows us the rather violent spirit which was abroad, and which in its final result gave the presbyterians further ground of alarm as to the ultimate intentions of the tories. A Mr. Greenshields, whose father was a Scottish episcopalian minister and had been expelled from his parish at the revolution, had been ordained to the ministry by a Scottish bishop in Ireland, and had for several years served a cure there. He now returned to Edinburgh, and there opened a place of worship at which he introduced the English liturgy, a course which none of the episcopalians, who had now obtained a certain degree of toleration, had yet ventured to adopt. He was immediately summoned before the presbytery, and questioned as to the authority under which he exercised the ministerial functions; but, emboldened by the aspect of public affairs, he refused to acknowledge their jurisdiction. The presbytery next prohibited him from exercising any of the ministerial functions within the bounds and liberties of Edinburgh; and as he still set their authority at defiance, the presbytery applied to the magistrates, who at once shut up his meeting-house and committed him to prison. Greenshields now applied for a bill of suspension and liberation, but this was denied unless he would give security not again to exercise the ministerial functions in Edinburgh. Instead of doing this, he brought an action against the magistrates for wrongous imprisonment, but their proceedings were justified by the court of sessions. Lastly, Greenshields made his appeal to the house of lords. The appeal was made at the time when the lords were fully occupied with the trial of Dr. Sacheverell, and its consideration was delayed until the year following (1711), when it was decided against the magistrates, who were condemned to a heavy fine.

This decision, which made a great noise at the time, gave the utmost dissatisfaction to the presbyterians, while, as it was so decided a favour shown to the episcopalians, the jacobites hailed it with joy, and began to look forward to the bringing in of the pretender as a matter of so much certainty, that they were led by their zeal into ridiculous acts of indiscretion. The pretender himself became so sanguine of success, that he caused a medal to be struck, on one side of which was his head, with the inscription *Cujus est*, "whose it is," and on

the reverse a map of the British islands, with the inscription REDDITE, "restore it." Some of these medals were distributed in Scotland, and one of them was presented openly to the faculty of advocates by the duchess of Gordon. The partisans of the pretender were rather numerous among the advocates, and a majority were willing enough to receive it, though the present was an embarrassing one. The dean of the faculty, Burnet, hesitated in receiving such a medal, and it was only under the strongly-expressed opinion of some of the advocates whom he consulted, that, at their next meeting, he laid the present before them as an object to be placed in their cabinet of coins and medals, styling it a medal of James VIII., whom the English call the pretender, and moving a vote of thanks to the duchess of Gordon for her gift. The details of what passed at this meeting have been preserved in consequence of the sensation it eventually excited. Some of the faculty were of opinion that to receive such a present was to "throw dirt into the face of the government," and that it implied disloyalty to the queen. One of the advocates of the jacobite party, Mr. Robert Fraser, remarked in answer to this objection, that the medal of Oliver Cromwell, "who deserved to be hanged," and the arms of the commonwealth, had been received for their collection, "and why not this?" "When the pretender is hanged," said Duncan Forbes, "it will be time enough to receive the medal!" Several of the more respectable men in the profession expressed their approval of this opinion, which so provoked a violent jacobite of the party, Dundas of Armistoun, that he rose in a heat and addressed the dean in the following language:—"Dean of faculty, whatever these gentlemen may say of their loyalty, I think they affront the queen, whom they pretend to honour, in disgracing her brother, who is not only a prince of the blood, but the first thereof; and if blood can give any right, he is our undoubted sovereign. I think, too, they call her majesty's title in question, which is not our business to determine. Medals are the documents of history to which all historians refer; and therefore, though I should give king William's stamp with the devil at his right ear, I see not how it could be refused, seeing a hundred years hence it would prove that such a coin had been in England. But, dean of faculty, what needs farther speeches? None oppose

the receiving the medal, and returning thanks to her grace, but a few pitiful scoundrel vermin and mushrooms, not worthy our notice. Let us, therefore, proceed to name some of our number to return our hearty thanks to the duchess of Gordon." After this address, the question was put to the vote, and it was decided by sixty-three against twelve, that the medal should be accepted and their thanks returned to the donor, to perform which office, two of the most notorious jacobites of the party, Mr. Dundas and Mr. Hume of Westhall, were chosen. The former acted as spokesman, and he told the duchess that "he returned her the most hearty thanks of the faculty for all her favours, particularly in presenting them with a medal of their sovereign lord the king; hoping, and being confident, that her grace would very soon have an opportunity to compliment them with a second medal, struck upon the restoration of his majesty and the royal family, and the finishing of rebellion, usurping tyranny, and whiggery." Such seditious proceedings as these could hardly pass without observation, and at the instigation of sir David Dalrymple, an extraordinary meeting of the faculty was called, which was numerous attended, and passed a unanimous and strong condemnation of the proceedings of the party who had accepted the medal. Dundas immediately wrote a vindication of his conduct, so full of violence and treason, that the printer, afraid to put it in type, carried the manuscript to the solicitor-general, sir James Stuart, by whom its publication was prevented. The elector of Hanover, meanwhile, had received from London a printed account of the meeting of the advocates' faculty in which the medal had been accepted, and he directed his minister in London to urge the prosecution of the offenders. This was done in a not very intelligible manner, for, without taking any notice of the offenders themselves, the queen deprived sir David Dalrymple of his office, with a reprimand for not having prosecuted those who accepted the medal, and appointed as his successor sir James Stuart, as a reward for the promptness with which he had suppressed Dundas's pamphlet.

At the general assembly which met about this time, Carstairs, the most moderate as well as the ablest and firmest defender of the presbyterian church, was chosen moderator, while the queen was represented by

the earl of Annandale as her commissioner. The queen's letter and her commissioner's speech contained the usual assurances of her determination to maintain the church as by law established. Carstairs replied in the usual terms of acknowledgment for such royal promises; but he added in cautious language an intimation of the fears of the presbyterians. He assured the commissioner that they were amongst the most loyal and faithful of her majesty's subjects, and denied the imputations which had recently been cast upon them by their enemies, of being a divided and despicable part of the nation. "We pray," he added, "that the sovereign and good God may grant that our native country may never be so unhappy as ever to see an experiment made of what truth there is in this matter, or an occasion given to show the vast difference there is as to true resolution and firmness of mind betwixt a solid principle in which conscience is concerned, and disaffected humours and party." "We are not insensible," he continued, "that there are not a few who are waiting for our halting, and that methods have been used by some of them that are openly disaffected to the constitution of our church, to make us uneasy and to tempt us to murmur; and, for gaining their ends, they would surmise that patronages were to be restored, well knowing what an important security to our church the abolition of them is, and how great a value we put upon the law that delivered us from them; but whatever suggestions or endeavours may have been as to this momentous affair, yet, blessed be God, they have had no further effect but to give us a fresh discovery of the wisdom, goodness, and equity of her majesty's conduct as to the concerns of this church." The assembly expressed, though less overtly, similar sentiments in their reply to the queen's letter, in which they declared in unequivocal language their attachment to the protestant succession as established in the house of Hanover. They further passed an act for a form of prayer, in which all the ministers of the kirk were to pray by name for the princess Sophia of Hanover and the protestant line as fixed in her descendants, intimating that this was intended to obviate all equivocation on the words of the prayer; for it appears that the episcopalian and some of the north country curates who did not profess to be presbyterians were in the habit of praying for the queen and her suc-

cessor in such a manner as to give their congregations to understand that they meant thereby the widow of king James and her son the pretender. As might be expected under such circumstances, the acts of this assembly were of no great importance; but they separated with a still stronger expression of their fears, which drew from the commissioner an assurance of the particular care which the queen would have of all their legal rights and privileges.

Although it is very doubtful if the English Tories, now in power, had any intention of giving any substantial gratification to the Jacobites, they found it useful to amuse them with equivocal promises, and a number of petty occurrences at court, which perhaps meant nothing, still presented such an encouraging appearance, that the partisans of king James in Scotland already made sure of triumph. They no longer concealed their expectations of the speedy re-establishment of episcopacy, and they actually appointed a secret committee to divide the spoils. The pretender himself was deceived by these appearances, and by the sanguine representations of his friends, and in the spring of 1711 he adopted the rather singular expedient of writing a long letter to queen Anne, in which he appealed to her affections as a sister to induce her to take the lead in restoring him to the throne which had been occupied by their father. At the opening of parliament in December, 1711, party spirit prevailed to a degree of the utmost animosity, and showed itself on every possible occasion. One of the first questions which arose having any direct relation to Scotland, involved a new dispute about the rights of the Scottish peers. The queen had given a British peerage to the duke of Hamilton, under the title of duke of Brandon, and he was preparing to take his seat in the house of lords under that title, when an objection was raised, in which the Whigs joined with all their strength. It was argued that, since the union, all Scottish peers were peers of Britain except as far as regarded the privilege of sitting and voting in parliament, and that whatever title were given to the duke of Hamilton it must still leave him in the same position as his brethren the other peers of Scotland; and in spite of all arguments to the contrary, the power of the opposition in the house of lords was so great, that the question was carried against him. When the opposition were reproached

with the example of the duke of Queensberry, they replied that he had no more right to sit in the house of lords than any other Scottish peer whatever, but that through neglect his right had not been questioned. The sixteen Scottish peers, who had all joined with the court in supporting Hamilton, drew up an indignant memorial to the queen against what they characterised as a gross breach of the act of union, and withdrew in a body from parliament. The ministry met this opposition in the house of lords by the creation of twelve new tory peers, and as they thus secured a majority, the Scottish peers returned to their seats, and the previous decision against them was reversed, but the duke of Hamilton's right to a seat in the house of lords was not acknowledged till seventy years afterwards.

Several bills passed the parliament this session, and became law, which were aimed at the prejudices of the presbyterians, if not at the security of their church. The first of these was, "an act for preserving the protestant religion, by better securing the church of England; and for confirming the toleration granted to protestant dissenters by the act exempting them from the penalties of certain laws, and for supplying the defects thereof." It was an illiberal law under a seemingly liberal title, and was supported by the whigs on the pretext that, if they had not accepted it, the tories would have brought in a more oppressive measure. It enacted that all persons holding places of profit and trust, who should be convicted of having been present at any meeting for divine worship, where there were above ten persons more than the family, at which the book of common prayer was not used or where the queen and the princess Sophia were not prayed for, should be liable to forfeit their situations, and should be incapable of holding any employment in the public service, until they could declare that for one whole year they had been present at no conventicle. All practitioners of law in Scotland were by this act required to take the oath of abjuration before the month of June. The second of the acts alluded to was one to prevent the disturbing those of the episcopal communion in that part of Great Britain called Scotland in the exercise of religious worship, and in the use of the liturgy of the church of England; and for repealing the acts of the Scottish parliament by which they were subjected to

the jurisdiction and discipline of the presbyterian church courts, and forbidding the civil sanction to their sentences. This bill is said to have originated with the secret committee of the jacobites, and to have been acknowledged by them to be a first step towards the re-establishment of episcopalianism. It excited the alarm of the commission of the general assembly, and they sent up three deputies, Carstairs, Blackwood, and Baillie, to watch its progress. These gentlemen, who objected principally to the removal of the civil sanction from the ecclesiastical censures, as opening a door to all sorts of vice and wickedness, laboured in vain to hinder its progress through the house of commons, where it was opposed almost alone by a few of the Scottish members. On the third reading of the bill, sir David Dalrymple said—"Since the house is resolved to make no toleration on the body of this bill, I acquiesce; and only desire it may be entitled, 'a bill for establishing jacobitism and immorality.'" In the house of lords the opposition showed more strength, though the presbyterian deputation gave dire offence to some of the more rigid of their own persuasion by acknowledging the bishops as a part of the legislature. They pressed in the house of lords for a clause in the bill imposing the oath of abjuration on all jacobites and popish priests, which the tories could not avoid accepting, but they managed to get it worded so as to sit very uneasy on the presbyterians themselves. Two other acts followed, which were still more objectionable to the presbyterians; the one restored church patronage; the other ordered a vacation of the courts of judicature during the Christmas holidays. The presbyterians absolutely proscribed the celebration of Christmas, as a relic of popish idolatry, and it had always been a sore point between them and the episcopalians. In the restoration of patronage, the tories knew that they would have the means of gradually intruding episcopalian clergymen into the cures, and thus break the unanimity of the opposition of the church itself. So strongly opposed were the presbyterians to it, that it had been expressly abolished by the act for securing the protestant religion and presbyterian government, which was ratified by and included in the act of union. The deputies of the church, therefore, remonstrated to the house of lords, in very temperate language, against what would be

a direct breach of the act of union between the two countries, with a representation of the inconveniences which must result from it. They said that in the restoration of patronage, the number of those who would be offended by it was much greater than that of those it would gratify, and that many of the most considerable of the patrons were themselves opposed to it. By restoring patronages, they would give rise to differences and disorders in the church from which it was at present free; and ministers would often be imposed upon parishes by people who were totally ignorant of the circumstances and necessities of the population. A reply to these representations was published, but neither one nor the other affected the progress of the bill, which was passed by large majorities. Meanwhile the presbyterians in Scotland, alarmed at the passing of the toleration act, had prepared and sent an address to the queen against the imposition of the abjuration oath, in which they urged that by the act of union they were absolved from any oath whatever inconsistent with the presbyterian establishment. The final result was that the oath was never pressed, but the act became the source of divisions and bitter heart-burnings among the presbyterian body, which had become very diversified in its character.

Such was the state of things, when the general assembly met on the 1st of May, in the year 1712. The duke of Athol was the queen's commissioner on this occasion, and read a letter from her majesty, in which she reiterated the assurance of her firm purpose to maintain the church of Scotland as established by law, and warned them against any fears and jealousies which might have arisen from the late occurrences. Athol's speech was short, and a mere repetition of the substance of the queen's letter. The moderator of the assembly on this occasion was Mr. Hamilton, professor of divinity in the university of Edinburgh, who replied with great moderation and firmness. With relation to the recent occurrences alluded to in the queen's letter and in the commissioner's speech, he said—"We cannot conceal upon this occasion, that things have been done of late where-with we are most deeply affected, and which may probably lead this assembly to consider seriously of what may be proper for them to do upon such emergents, that they be not found wanting in their duty as to what is

intrusted to them; and as we will be careful to exonerate our consciences with faithfulness and zeal for the interests of pure religion, so we trust our blessed God, who hath guided former assemblies of the church into a behaviour pleasing to her majesty, will enable us to continue in the same course, next after our duty to God, manifesting our unshaken loyalty to our queen." In similar language the assembly said, in their reply to the queen's letter, "The late occurrences which your majesty is pleased to take notice of have, we must acknowledge, possessed us of fears and jealousies. But as we have always embraced and do at present lay hold upon the assurance your majesty is pleased to give us of your firm purpose to maintain the church of Scotland as established by law; so we cannot but, with all dutiful submission, and in that truth and ingenuity that becomes the faithful ministers and servants of our Lord Jesus Christ, put your majesty in mind of the representations and petitions laid before you by the commission of the last general assembly, for a remedy in these matters, humbly hoping that these our most just complaints may come in due time and manner to be redressed." The assembly marked their special approval of the conduct of their commissioners by ordering their addresses and petitions to be inserted in the minutes verbatim, and they endeavoured to promote union, or rather to hinder division, among themselves, by recommending forbearance respecting the oath of abjuration, and mutual charity between those who equally led by their consciences viewed it in different lights. Amid these symptoms of alarm, the assembly continued its active labours for the religious improvement of the highlands; and an unimportant and perfectly peaceable demonstration of the Cameronians, which took place after the closing of the meeting of the assembly, was the only outward manifestation of discontent or agitation.

England and France were now engaged in a treaty for peace, and there was a multiplicity of intrigues going on at the same time between the agents of the French king, the different factions at the court of the pretender, the tories and the jacobites in England, and the queen's ministers and favourites, which it is not necessary here to enter upon. It is said that in the midst of them, queen Anne had been induced to concur in a design for the ultimate restoration of the pretender, who was her brother,

and that the duke of Hamilton was chosen as the secret agent to conduct this delicate negotiation. It is certain that the duke was suddenly treated with the greatest honours, and appointed extraordinary ambassador to the French court; and in his communications with Lockhart of Carnwath, whom he had engaged as his confidential secretary on this mission, he used mysterious expressions which would certainly lead us to suspect something of the kind. But whether this were the case or not, Hamilton's part in the secret design and his life were cut short by an unexpected and melancholy occurrence. He had been engaged during the last nine years in a lawsuit with lord Mohun relating to an estate left by the earl of Macclesfield, which had proved ruinously expensive to both, and had proportionally embittered them against each other. Mohun was a man of violent temper and not very scrupulous character,—he was a professed duellist, and had twice been arraigned on a charge of murder. One day Hamilton and Mohun were both present during the examination of Mr. Whitworth, the father of lord Whitworth, as a witness for the latter against the duke. When he had concluded his evidence, Hamilton remarked aloud that “he had neither truth nor justice in him.” To this lord Mohun immediately retorted, “He has as much as your grace.” Mohun, presuming on his skill as a duellist, intended that this insult should produce a challenge; but finding that Hamilton took no further notice of it, he sent to demand an apology for his remark on Whitworth, and compelled him to fight. The duel took place in Hyde-park, on the 15th of November, 1712, lieutenant-general Macartney acting as Mohun's second, and colonel Hamilton performing that office for the duke, the seconds, as was the custom at that period, engaging each other at the same time as their principals. Mohun as well as Hamilton was excited with passion, and fighting incautiously, both fell at the same time, Mohun being killed on the spot, and the duke expiring before he reached his lodgings. In the state of party feeling at that time, this event, horrible enough in itself, was seized upon as a new object for political rancour, and colonel Hamilton came forward to swear that the duke had not been killed by his antagonist, lord Mohun; but that his death was the consequence of a treacherous thrust of general Macartney's

sword. The latter, well aware how little chance of impartial justice he had at such a moment, fled to the continent, and the government offered a reward of five hundred pounds for his apprehension, to which the duchess of Hamilton added three hundred more. After the accession of George I. the general returned to England and surrendered to stand his trial, upon which he was acquitted of the charge of murder, but found guilty of manslaughter, as a party to the duel. Colonel Hamilton, at the same time, was threatened with a prosecution for perjury, which he avoided by retiring to the continent. Thus perished, in a foolish affair of so-called honour, a nobleman of great power and influence, who had acted a very prominent part in the history of his country, but who, from his uncertain temper and vacillating conduct, served, as has been remarked more than once, the party to whom he was opposed, rather than that to which he was attached.

The peace of Utrecht was signed on the 13th of March, 1713, and the British parliament assembled on the 9th of April following, and was at first entirely occupied with congratulations on the cessation of war. That war had entailed heavy expense, to meet which it was necessary to levy new taxes, and the tory ministry now struck another blow at Scotland. By an express stipulation in the act of union, the malt-tax was not to be levied on Scotland during the war, nor was it to be levied for paying the debts of the war, and an intimation was given in the course of the negotiations that such tax would not be levied for an indefinitely long period, or until it was evident that the Scots were in a condition to support it. The English ministers now suddenly brought in a bill to levy the malt-tax upon Scotland. The Scottish members loudly protested; they appealed to the terms of the union, represented that the tax would be ruinous to Scotland and not beneficial to England; that it would amount to a prohibition of malt liquors in Scotland; that as it was well known that Scottish barley was much inferior to English, it was unfair to tax it equally; and that, if they chose to interpret the words of the act of union in the most literal sense, peace could not be said to have been concluded until it was proclaimed. All was, however, in vain, for the bill was carried through the house of commons by a large majority, and it passed with equal ease through the house of

lords, for though the Scottish members of the house of commons united in resisting this measure, many of the Scottish peers joined with the ministry. The utter inefficiency of the Scottish portion of the parliament to protect their country in such a case, raised their alarm and indignation, and Lockhart of Carnwath, who acted at this time as their leader, called them together to consult on the posture of affairs. When they met, Lockhart pointed out to them the critical condition of Scotland; its trade, he said, was hampered and almost destroyed with prohibitions, regulations, and impositions, laid on by England; the money of the country was all drawn out of it; and, amid these discouraging circumstances, the English government and parliament treated them in such an arbitrary manner, that it was evident they could expect no redress under the union. They already found the disadvantages of being united with a richer and stronger neighbour, and they were experiencing all the evils which the opponents of the measure had predicted. The only remedy was a dissolution of the union, which they must seek to obtain in a legal way. He had no hopes that they would obtain this at once, but they knew not what might happen if they set the question agoing, and the number of its supporters would no doubt increase. To silence the scruples of those who deprecated the separation of the two crowns, he proposed that it should be an express condition of the dissolution that, when it had taken place, the two crowns must descend in the same succession. As Lockhart's proposals met with the general approval of all present, it was resolved, at the suggestion of Baillie of Jerviswood, to hold a conference with the sixteen Scottish peers, and when they met, the duke of Argyle, who sat in parliament as an English peer and not as one of the sixteen, also attended and took the lead in their councils. He expressed himself much disappointed with the result of the union, and said that he was now so fully convinced that it would be destructive to the two countries, that he was ready to join heartily in promoting the repeal of the act. He was seconded by the earl of Mar, and it was agreed among the Scottish members of both houses that they would lay aside all personal differences and unite to obtain this object. They first appointed a deputation, consisting of the duke of Argyle, the earl of Mar, Cockburn of Ormiston, and Lock-

hart of Carnwath, to wait upon the queen and inform her of their design. Though very averse to the subject, she received them graciously, but when she had heard their statements, she only replied that, "She was sorry that the Scots believed they had any reason to complain, but she was of opinion they carried their resentment too far, and wished they did not repent it." The Scots then resolved that, as their power was greatest in the lords, the motion for the repeal of the act of union should be brought in there, and they chose the earl of Findlater, as lord chancellor of Scotland, to be the mover. Accordingly, on the 1st of June, 1713, Findlater, in a rather long and rambling speech, brought forward the motion in the lords, in which he represented that the Scottish nation was in many instances aggrieved: that they were deprived of a privy council, and subjected to the English laws in cases of treason: that their nobles were rendered incapable of being created British peers, and that now they were to be oppressed with the insupportable burden of a malt-tax, when they had reason to expect they should reap the benefit of peace; he therefore concluded by moving, that since the union had not produced the good effects that were expected from it when it was entered into, leave might be given to bring in a bill for dissolving the said union, and securing the protestant succession in the house of Hanover, insuring the queen's prerogative in both kingdoms, and preserving an entire amity and good correspondence between the two nations. He was seconded by the duke of Argyle, who said that he had been an active promoter of the union, because he looked upon it as the best means of securing the protestant succession, and he then believed that it would have had the effect of enriching the one country and securing the liberty of the other; but he now saw that it would beggar Scotland and enslave England, and believing that the protestant succession might be secured without it, he was of opinion that a union which had been so often infringed should now finally be dissolved. Lord North and Grey replied, that the complaints of the Scots were groundless; that the dissolution of the union was impracticable; and he made some sarcastic reflections on the poverty of that nation. He was answered by the earl of Eglintoun, who admitted that the Scots were poor, and therefore he said they were unable to pay the

malt-tax. The earl of Islay, among other pertinent remarks upon the union, observed, that when the treaty was made, the Scots took it for granted, that the parliament of Great Britain would never load them with any imposition that they had reason to believe grievous. The earl of Peterborough compared the union to a marriage. He said, that though England, which must be supposed the husband, might in some instances prove unkind to the lady, she ought not immediately to sue for a divorce, the rather because she had very much mended her fortune by the match. Islay interrupted him to remark, that marriage was an ordinance of God, but the union no more than a political expedient. The earl affirmed, that the contract could not have been more solemn, unless, like the ten commandments, it had come from heaven: he inveighed against the Scots, as a people that would never be satisfied; they would have all the advantages resulting from the union, but would pay nothing by their good-will, although they had received more money from England than the amount of all their estates. To these animadversions the duke of Argyle made a very warm reply. "I have been reflected on by some people," he said, "as if I was disgusted, and had changed sides; but I despise their persons, as much as I undervalue their judgment." He urged, that the malt-tax in Scotland was like taxing land by the acre throughout England, because land was worth five pounds an acre in the neighbourhood of London, and would not fetch so many shillings in the remote countries. In like manner, the English malt was valued at four times the price of that which was made in Scotland: and the tax in the latter country would be so oppressive that it must be levied by a regiment of dragoons. It was remarked that all the whig members voted for the dissolution of that treaty which they had so eagerly promoted; while the tories strenuously supported the measure against which they had once argued with such vehemence. In the course of the debate, the lord-treasurer, the earl of Oxford, observed, that although the malt-tax were imposed, it might be afterwards remitted by the crown. The earl of Sunderland expressed surprise at hearing that noble lord broach a doctrine which tended to establish a despotic dispensing power and arbitrary government. Oxford replied, that his family had never been famous, as some others had been, for

promoting and advising arbitrary measures. Sunderland, considering this expression as a sarcasm levelled at the memory of his father, took occasion to vindicate his conduct, adding, that in those days the other lord's family was hardly known. Much violent altercation followed. At length the motion for the bill was rejected by the small majority of four votes, so nearly was the dissolution of the union carried in the house of lords. The Scottish representatives met again next day, when, satisfied with the moral success in the lords, and aware that they had much less strength in the commons, they resolved to move no further in the matter till the following year; but in the meantime to urge all the Scottish shires and burghs to get up petitions to the queen and to the two houses praying for a dissolution of the union.

This affair gave great encouragement to the extreme jacobites, who remarked with eagerness the inclination which the queen appeared to manifest for the house of Stuart. It was observed that she received with coldness an address of the houses of parliament, who, at the close of the session, begged her to use her influence with the duke of Lorraine and all princes in amity with her, to induce them to afford no shelter to the pretender; while she accepted with marked satisfaction, and caused to be printed in the *Gazette*, an address from the highlands, in which the hope was unequivocally expressed that she would leave the crown to the rightful line of the house of Stuart. In the elections which followed the dissolution of parliament in the month of July, and in which the tories again obtained a large majority, the jacobites were not only bold but boisterous in their exultation. At Edinburgh, after the re-election of Lockhart of Carnwath, the populace assembled round the statue of Charles II. in the parliament-close and drank the health of the queen, the dissolution of the union, and all true Scotchmen; and they then proceeded to the high-cross, and repeated there the same ceremony. At the same time the presbyterian ministers were alarmed by reports of the appearance of numbers of popish missionaries in the northern districts, and of the success of their labours among the highlanders.

The general agitation of mind produced by these events was the greater on account of the evidently declining health of the queen, and the friends of the protestant

succession and of the house of Hanover in which it was established, were no less active in Scotland than in England. During the year 1713, several of the nobility and gentry of Scotland who were most strongly attached to these principles, including the earl of Buchan, his brothers Thomas and Charles Erskine, George Drummond, Alexander Campbell (commissary of the artillery), Robert Stuart (one of the regents of the college of Edinburgh), James Nimmo, and John Martin of Ayres, had formed what they called the Hanoverian club, which secretly organised and directed the whig party. The presbyterian ministers, moreover, were active in various ways, and, besides several pamphlets coming from individuals, the general assembly judged it expedient to publish, in the name of the church, *A Seasonable Warning concerning the Danger of Popery*; which was extensively circulated, and made a considerable sensation.

In the new parliament which met on the 16th of February, 1714, the tory party, if united, was all powerful, but the counsels of its leaders were paralysed by the personal jealousies of its leaders the earls of Oxford and Bolingbroke. Parliament was on this occasion opened by commission, and then adjourned to the 2nd of March, when the queen was able to attend in person, and delivered her speech. She complained somewhat bitterly of people who "went about to distract the minds of men with imaginary dangers," as though she had ever done anything tending to shake the security of their religion and liberties; and both houses, in their addresses, expressed in the strongest language their detestation of such practices and of all who encouraged them. Bitter debates followed in both houses, on questions connected with the succession, which were but little calculated to calm people's minds. In Scotland, the warnings and exhortations of the presbyterian ministers soon produced their effect, and their friends among the gentry prepared for resistance in case of an anticipated rising of the jacobites. On the 18th of March, sir William Cunningham of Cunningham-head, lieutenant-colonel Maxwell of Cardoness, Alexander Ferguson of Craigdarroch, Thomas Gordon of Earlston, Porterfield of Duchel, Charles Miller as a deputy from Glasgow, and M'Tagart from Irvine, with others to the number of about fourteen, met at Dalmellington in Kyle, and after discussing the

posture of affairs, drew up in writing the following resolutions:—"Several gentlemen from the southern and western parts of this nation, being apprised of the dangers that both the civil and religious liberties of these nations seem to be under, from the growth of popery, and the insults of papists and jacobites, made upon our laws and constitution, owning themselves boldly to be in the interest of a *popish pretender*, in defiance of the said laws, and openly arming themselves for putting their wicked designs in execution, have, out of their zeal for the queen's majesty, and support of her government, the protestant succession in the family of Hanover, and for maintenance of our happy constitution in church and state, thought fit, for strengthening one another's hands, to lay down the measures following for their joint security, viz.—1st. That a general correspondence be kept among the well-affected nobility, gentry, and citizens within the shires of Clydesdale, Renfrew, Ayr, Galloway, and Nithsdale, with the stewardries and bailliarries thereof, and that their meeting be once a quarter; and their first meeting is to be at Dalmellington, upon the 1st of June next. 2nd. It is recommended to the said persons to fix a particular meeting in each shire, stewardry, bailliary, and burgh; where such a number of well-affected persons shall be invited to be present, as in prudence may be judged proper for carrying on the said design: and that they send such a number of correspondents to the general meeting, as the necessity of affairs at the time shall require. 3rd. It is likewise thought advisable, that at the general meeting there be correspondence kept with the well-affected in other places of this nation, particularly with our friends at Edinburgh, either by letters, or having some of them present as shall be thought most expedient; and that the measures at the said meeting may be the better concerted, it is thought requisite that they have intelligence frequently from London, not only from their own members who are there during the session of parliament, but from some other knowing persons of the English nation, who are friends to the interest. 4th. In further prosecution of the said design, that it be recommended to some particular gentlemen of the shires of Ayr and Galloway, to keep a correspondence, in name of the said meeting, with our friends in the kingdom of Ireland, whereby such methods may be gone into, as may be for

their mutual security. 5th. And for their mutual defence and security, let it be earnestly recommended to each of the said particular meetings, to fall upon such prudent and expeditious methods to put their people in a defensive posture, in such a manner as they shall see proper, and conform to law." Other meetings were held in different parts, money was subscribed for the purchase of arms, and the friends of the house of Hanover were privately exercised in the use of them.

Nor were the jacobites behind them in activity, for they held frequent meetings in different parts of Scotland, and boldly avowed their hopes and expectations, while medals of the pretender were distributed in considerable numbers. One of these jacobite demonstrations was much talked of at the time. At Lochmaben races, on Saturday, the 29th of May, at which there was a great assemblage of gentlemen and country people, the two prize plates were ornamented with jacobite emblems of a very seditious character. On one a woman was represented, with a balance in her hand, as the representative of justice, and over her head the inscription *JUSTITIA*. In the margin was the further inscription *SUUM CUIQUE*, which was interpreted, "Gin ilka body had their ain." The second plate represented several men in a posture of falling, with their heads downwards, with one more eminent than the rest above them, and the inscription, from Ezek. xxi., 27, "I will overturn, overturn, overturn it, and it shall be no more, until he come whose right it is, and I will give it him." After the race, Maxwell of Tinwall and his brother, Johnston of Wamphrey, Carruthers of Rammerscales, the master of Burleigh, and others of the jacobite gentry, proceeded with drums beating and colours displayed to the cross, where, in the presence of the assembled multitude, they drank the health of the pretender upon their knees. The boldness of the jacobites was not less in the south, where, even in London, at a dinner in a public tavern of which lord Fingal was a steward, the tickets of admission bore the image of the pope trampling heresy under his feet.

Encouragement to these indiscreet demonstrations was certainly given by the favour with which the queen appeared to receive all advances from the jacobite party, and by her expressions of resentment at the equally indiscreet conduct of the whig opposition, who literally persecuted her and

her ministers with their complaints of the danger with which the protestant succession was threatened, and perhaps thus made her less inclined to adopt any decisive measures for protecting it that she would otherwise have been. In the midst of this multiplicity of intrigues and alarms, on the 5th of June, all parties were surprised by the sudden appearance of a proclamation from the queen, offering a reward of five thousand pounds for the apprehension of the pretender whenever he should land or attempt to land in Great Britain. The ostensible reason of this unexpected paper was the discovery of two Irish officers enlisting men for the service of the pretender, who were arrested at Deal, and one of whom had a pass from the earl of Middleton, the pretender's secretary of state. As the queen had issued this proclamation without consulting her tory advisers, the latter were overcome with astonishment, and the whigs in the house of commons, seizing the advantage thus given them, moved next day in the house of commons that the sum to be given for the apprehension of the pretender should be a hundred thousand pounds, and they spread abroad the report that the queen had become convinced that the succession of the pretender to the English throne was totally incompatible with the safety and even existence of the church of England. It seems most probable, however, that as Anne's faculties were becoming weaker, some of her attendants who wished to court favour with the elector of Hanover, had so far worked upon her fears and prejudices as to extort it from her.

These symptoms, the yet undecided struggle for power between Oxford and Bolingbroke, and the little inclination which the main body of the English tories showed towards the pretender's cause, soon broke up the alliance which had been formed among the Scottish representatives. Those of the jacobites whose zeal for the cause was greater than their care for their personal interests, were for joining Bolingbroke in the belief that he was the only minister likely to promote their views. The greater number, however, hesitated between the two great rivals, and wavered from one side to the other as each appeared likely to gain the ascendant. The consequence was a complete division and breaking up of the secret committee of the Scottish representatives, when the question of renewing the motion for the dissolution of the union was brought

forward. The same disunion among the Scottish tories was shown in a proposal to bring into parliament a bill for the resumption of the bishops' rents for the benefit of the episcopalian conforming ministers. Lockhart, who had been at first selected to bring this bill forward in the house of commons, was first deserted by his friends, and then compelled to desist by the ministers. The Scottish jacobites, in resentment of the treatment they had received from the ministers, joined the opposition and carried several questions against them. A quarrel thus arose between the government and the jacobites, which was only just made up when, on the 9th of July, the queen in person prorogued the parliament, in a speech in which she alluded with some bitterness to the state of the public mind, and boasted of her regard for the rights and liberties of her subjects at a time when her acts had certainly had a contrary tendency. "I hope early in winter," she said, "to meet you again, and to find you in such a temper as is necessary for the real improvement of your commerce and of all other advantages of peace. My chief concern is to preserve to you and to your posterity our holy religion and the liberty of my subjects, and to secure the present and future tranquillity of my kingdoms. But I must tell you plain,

that these desirable ends can never be attained unless you bring the same dispositions on your parts; unless all groundless jealousies, which create and foment divisions among you, be laid aside; and unless you show the same just regard for my prerogative, and for the honour of my government, as I have always expressed for the rights of my people."

Queen Anne never met her parliament again. After the prorogation, the dissensions between Oxford and Bolingbroke rose to a still greater height, until at length, on the 27th of July, they were put an end to by the dismissal of the former from his offices, and Bolingbroke triumphed as prime minister. But the queen had been so agitated by these disputes, and by the violent conduct of the two rivals, that two days after her condition became alarming, and she only survived till the morning of the 1st of August. Whatever may have been the ultimate designs of Bolingbroke himself, or of the tory ministry, their personal dissensions had prevented them from taking any effective measures to secure the carrying of them out; and, by the able management of the whig leaders at this difficult crisis, the elector of Hanover was quietly placed on the throne of Great Britain under the title of George I.

CHAPTER III.

ACCESSION OF GEORGE I.; HIS POLICY TOWARDS SCOTLAND; DISAFFECTION OF THE EARL OF MAR.

THE ease and rapidity with which the protestant succession had been secured and the tory government overthrown, was a severe blow to the jacobites, and, by destroying their present hopes, drove the more zealous partisans of the Stuarts towards desperate measures. The regency, which was appointed in London to direct the government until the king's arrival, lost no time in forwarding an account of these important events to the earl of Islay, who held the office of lord justice-general of Scotland, and to the provost of Edinburgh. The despatch arrived in Edinburgh on Wednesday, the 4th of August, about midnight, and its contents were immediately made known to the

servants of the crown, who were ordered to be in attendance at eight o'clock on the following morning. They met at the lodgings of the duke of Montrose, where they found the marquis of Tweeddale, the earls of Rothes, Morton, Buchan, Lauderdale, Haddington, Leven, Hyndford, Hopetoun, and Roseberry, the lords Belhaven, Elibank, Torphichen, Polwarth, and Balgony, general Wightman, and a considerable number of the principal gentry, officers of the army, and chief inhabitants of the city. After the necessary arrangements had been made, the streets being lined with the city trained bands, the duke with the whole party proceeded in cavalcade to the town council-

house, where the lord provost, with the other magistrates and town council, the lord president, and other lords of the session, the lord chief baron and other barons of the exchequer, with the commissioners of the revenue, and many other honourable gentlemen, waited to receive them. A proclamation of the accession of George I. to the throne was then duly signed; after which, at about eleven o'clock, the city trained bands formed a double line from the council-house to the cross, where a theatre or stage had been erected for the ceremony. Mr. Henry Maule, deputy of the lord lyon king-at-arms, ushered by six trumpets, the heralds and pursuivants in their coats, by two and two mounted the cross: then followed the lord provost, with the other magistrates and town council, in their robes, ushered by sixteen of the ordinary officers of the city, in their livery coats, with the sword and mace, borne by the proper officers, all uncovered. The lord provost, with the sword and mace went to the cross; but the town council proceeded to the theatre, and there received his grace the duke of Montrose and his company: all having thus taken their stations, the high and mighty prince George, elector of Brunswick-Lunenburg, was, with sound of trumpet, proclaimed king of Great Britain, France, and Ireland, by the lyon's depute, the lord provost reading to him the words of the proclamation. This was followed by a discharge of the great guns from the castle, and three volleys from the city guards, which were answered by a discharge of the great artillery and small arms in St. Ann's-yard, near the royal palace of Holyrood-house, where to prevent disturbances the regular troops were encamped upon the news of her majesty's illness. The proclamation was received with loud shouts, and other acclamations of joy, from the cross, the stage, and the streets, which, with the windows, were crowded with spectators. After this ceremony was concluded, the duke of Montrose, with the nobility, gentry, the lord provost, and town council, returned to the town-house, where they drank the health of his majesty, and other loyal toasts. They next proceeded to the camp, where major-general Wightman received them at the head of the troops, and entertained them very handsomely in his tent, where they again drank the king's and other loyal healths, amid discharges of the cannon and small arms. The day was concluded with

ringing of bells, illuminations, a discharge of the great guns from the castle, and all other demonstrations of extraordinary joy. The jacobite party were so confounded at the sudden revolution, that they durst not move a tongue against it in public, but some of them, in private whisperings, advised others to silence, telling them that the elector of Hanover being now proclaimed king, it was treason to speak a word against him; while others affirmed that king James (as they called the chevalier) would land, with a foreign force, in the roads of Leith, in a very short time; and some of them said plainly, that this being the only proper season for him to appear, if he came not then, they would look upon him as an impostor ever after. Such was the private conversation among the ill-affected that night in Edinburgh. Any disturbances were prevented by the prudent precautions of the government. For better security, the wooden bridge before the castle gate was cut, and a part of it made to draw up, and an intrenchment was cast up betwixt that and the castle wall, and soldiers placed with small arms. Such of his majesty's troops as were quartered at Dundee and other places of the kingdom, were at the same time summoned to the capital, and arrived at the camp in a day or two; and all other precautions were taken, as seemed suitable to the present occasion.

The proclamation was made similarly in the other principal towns in Scotland, and the ceremony passed off everywhere peaceably, except in Glasgow, where there was a popular tumult, in the course of which the mob destroyed the episcopalian meeting-house. Even this solitary riot was said to have been instigated by the jacobites themselves, in order that they might have a pretext for complaining that they were to be persecuted for their religious principles.

The good effect produced by the ease with which the tories had been overthrown in England was so general, that nearly all the foreign powers hastened to assure the new king of their friendship and support, and even the court of France considered it expedient to order the pretender, who had repaired to Versailles on receiving intelligence of the death of the queen, to leave that kingdom. King George landed at Greenwich early in the morning of the 18th of September, and on the 20th made his public entry into the capital. The strong predilection of the king for the whigs was

immediately shown by an entire change in nearly all the offices of state, those belonging especially to Scotland being now distributed as follows:—The duke of Argyle was appointed commander-in-chief of the army; the duke of Roxburgh succeeded the earl of Findlater as keeper of the great seal; and the duke of Athol was deprived of the privy seal, which was given to the marquis of Annandale. The king began his Scottish policy by showing an earnest wish to conciliate the presbyterians, and in his first council he voluntarily called for the oath to preserve the church of Scotland as by law established, which he took and subscribed in the most solemn manner, ordering a minute of this transaction to be made in the council-book, and a copy to be sent to the court of session in Scotland, to be entered in the book of sederunt, and be preserved among the public records of the kingdom. At the end of this ceremony, the king made the following declaration, which, at the request of the lords of the council, was made public:—"Having in my answers to the addresses of both houses of parliament, fully expressed my resolution to defend the religion and civil rights of all my subjects, there remains very little for me to say upon this occasion. Yet being willing to omit no opportunity of giving all possible assurances to a people who have already deserved so well of me, I take this occasion also to express to you my firm purpose to do all that is in my power for the supporting and maintaining the churches of England and Scotland, as they are severally by law established; which, I am of opinion, may be effectually done, without the least impairing the toleration allowed by law to protestant dissenters, so agreeable to christian charity, and so necessary to the trade and riches of this kingdom. The good effects of making property secure are nowhere so clearly seen, and to so great a degree, as in this happy kingdom; and I assure you that there is not any amongst you shall more earnestly endeavour the preservation of it than myself." This declaration gave the greatest satisfaction to the presbyterians, who were foremost among the numerous loyal addresses which came from different classes of the people of Scotland. In addition to their address, the commission of the national assembly, to show their gratitude for the promises of favour held out to them, appointed Carstairs, with Mr. William Mitchel, and Mr. James Hart,

ministers in Edinburgh, Mr. Thomas Lining, minister at Lesmahago, and Mr. James Ramsay, minister at Kelso, as a deputation to repair to the king, and express their feeling by word of mouth. They arrived in London about the end of October, and were on the 1st of November presented to his majesty by the duke of Montrose. Carstairs, as their spokesman, addressed his majesty in the following speech, which was delivered in French:—"May it please your majesty, the ministers and elders of the commission of the general assembly of the church of Scotland, had such a particular satisfaction in your majesty's happy accession to the throne of these nations, that they did not only embrace, with the greatest cheerfulness, the first opportunity of congratulating your majesty by an humble address, upon so remarkable an event, in which the divine goodness to these nations, and to all protestant churches, doth signally appear, but they did also judge it their duty to appoint us, who now, through your royal goodness, have the honour to be in your majesty's presence, to testify, in their name, the deep and thankful sense they have of the mercy of the God of heaven, who hath brought your majesty to your dominions in peace and safety, and placed that crown upon your royal head, to which your majesty alone had a just and unquestionable right; and that in such a way as fills both your majesty's friends and loyal subjects with admiration and thankfulness, and your open and secret enemies with amazement and confusion, even when they were big with expectations of having a popish pretender advanced to the throne, which now, to the universal joy of all the true lovers of the protestant religion, and of the civil liberties of men, your majesty is rightfully possessed of. And long may the crown flourish upon the head of a prince, whose eminent virtues are an ornament, and give a bright lustre to it. We persuade ourselves, great sir, that the noble patriots of north Britain, who are deservedly honoured with your majesty's favour, have so fully informed you of the zeal of the church of Scotland for the interest of your majesty and your royal family, that there is nothing left for us to represent on that head; only we may truly say, that it was a zeal so rooted and sincere, that the menaces of those who were as great enemies to the protestant succession in your royal family, as they were to the constitution of our church, could not shake; nor

could the discouragements which they brought upon us, for our firm adherence to your majesty's just title, either cool it upon the one hand, or, upon the other, so inflame it, as to make us go beyond those bounds that were consistent with our loyalty to our late sovereign queen Anne, and our concern for your majesty's interest, which the enemies of your majesty and the church of Scotland did greatly long and wish for, and was one of the happy instances of their late disappointment. We do not, sir, mention these things to plead merit with your majesty; for we did nothing but what was our duty to God, to our country, and indeed for our own true interest; there being few, if any, in Scotland, who are enemies to our church establishment, but such as are equally so, and for the same reason, to the late revolution, and to your majesty's just title: only we hope that we shall have the honour to be always considered by your majesty as your faithful and loyal subjects, and have your gracious protection. We are, may it please your majesty, deeply sensible of the great goodness our church hath already received remarkable proofs of from your majesty, in your most gracious answer to the humble address of the commission of the general assembly of our church, and in your majesty's obliging yourself, so seasonably, by oath, to maintain the presbyterian government, doctrine, worship, and discipline of the church of Scotland, with all the legal rights and privileges thereof; so that your majesty has given us good ground to hope, that we shall not only be preserved from all insults and encroachments upon our constitution for the future, but that we shall also have favourable hearing as to any just and seasonable representations of what is grievous to us, which we may presume at any time to lay before your majesty. We humbly beg leave to assure your majesty, that it will be the care of the ministers of our church to behave themselves, as that it may appear they are steady in their loyalty to your majesty, as the only rightful and lawful sovereign of these nations, and zealously concerned for the quiet of your government; and that they will be earnest and constant in their endeavours to instruct the people, and to establish them in their duty and affection to your majesty's person and government; that they may not be imposed upon by false insinuations and artifices of such as are enemies to both. May the all-sufficient God present your

majesty with the blessings of his goodness, and convey an uninterrupted succession of signal mercies to all your dominions, in your royal progeny, to latest posterity. May your hand find out all your enemies. May your majesty never have a subject who shall have so little regard to God and his conscience, as ever to be an abettor of the chevalier, whom by solemn oath he hath abjured. May all the protestant churches, and Europe in general, find the advantages of your wise and just administration. May the eternal God grant you length of days upon earth, and crown you at last with glory, honour, and immortality, in the highest heavens." The king replied as follows:—"I heartily join with you in your thankfulness to God for having blessed your remarkable firmness in so good a cause with the desired success. You may be sure of a suitable return on my part, by protecting you in the enjoyment of all your just rights and privileges." The deputies were subsequently introduced to the prince and princess of Wales, who similarly assured them of the sense they had of the zeal of the church of Scotland to the protestant succession in their family; and told the commissioners that the church of Scotland might assure themselves of their countenance and favour.

On the 15th of January, 1715, appeared the proclamation calling a new parliament, and the large majority of the elections were carried by the whigs. In England they were attended in many instances by riots and acts of considerable violence; but in Scotland they passed over quietly, with only one exception, which occurred at Inverness in the north. The government candidate, John Forbes of Culloden, was here violently opposed by Mackenzie of Prestonhall, who, having married the baroness of Lovat, eldest daughter of the tenth lord Lovat, claimed to be the head of the clan Fraser, though the Frasers would not acknowledge him. The laird of Prestonhall came with Glen-garry and a powerful body of highlanders to force the Frasers to vote for him against Forbes. But another personage had made his appearance again, the notorious Simon Fraser, who had escaped from prison in France and was now soliciting his restitution in Scotland. The clan of the Frasers were strongly attached to him as the only chief they acknowledged, and at his instigation, they voted for the government candidate and signed a loyal address to the king.

The tories attempted to form a party among the nobles, but they were defeated, and all the sixteen representatives to the house of peers were professed friends to the protestant succession—most of them were known to be staunch adherents to the Hanoverian interest. The new parliament met in the month of March, and soon afterwards the general assembly of the kirk of Scotland met in Edinburgh. The earl of Rothes acted as the king's commissioner on this occasion, and his majesty, in his letter, told the assembly: "We are so well satisfied with the proofs the church of Scotland has given of their steady adherence to the protestant succession in our family, the loyalty and affection they have shown to our person and government, and their constant zeal for the protestant interest, that we very willingly countenance with our authority this first assembly of our reign. We cheerfully embrace this opportunity of assuring you that we will inviolably maintain the presbyterian church of Scotland, her rights and privileges, as we engaged to do upon our accession to the crown, and will protect her from any illegal insults and encroachments being made upon her of what kind soever." The presbyterians, who had but just escaped from the fear of persecution, were warm in their expressions of gratitude, and in the assembly's reply to the king's letter, they assured him of their willingness to comply with his various recommendations. "We are deeply sensible," they said, "of the necessity of a holy and well-qualified ministry for advancing the great ends of the gospel of our Redeemer, and that profane churchmen are one of the greatest plagues that either a church or civil society can have; and we shall not be wanting in using our utmost endeavours to answer that your majesty can expect of us in our present circumstances as to this matter." In the spirit of these beginnings of their meeting, the assembly passed several acts declaratory of their loyalty, as well as certain rather severe decrees against episcopalian ministers and separatists.

While the government of king George was thus conciliating their own natural friends and allies, they were provoking the opposite party by the perhaps ill-advised hostility with which they pursued them. Before the king's strong predilection for the whigs was openly declared, the tories had hoped to obtain his favour by their professions of loyalty and attachment, and some

of them had made direct offers of their services. Among these was the earl of Mar, one of the late queen's ministers for Scotland, who addressed the following letter to the king from Whitehall before he set out for England:—"Sire,—Having the happiness to be your majesty's subject, and also the honour of being one of your servants as one of your secretaries of state, I beg leave by this to kiss your majesty's hand, and congratulate your majesty's happy accession to the throne, which I would have done myself the honour of doing sooner, had I not hoped to have the honour of doing it personally ere now. I am afraid I may have had the misfortune of being misrepresented to your majesty, and my reason for thinking so is, because I was I believe the only one of the late queen's servants whom your ministers here did not visit, which I mentioned to Mr. Harley and the earl of Clarendon, when they went from home to wait on your majesty; and your ministers carrying so to me was the occasion of my receiving such orders as deprived me of the honour and satisfaction of waiting on them and being known to them. I suppose I had been misrepresented to them by some, upon account of party, or to ingratiate themselves by aspersing others, as our parties have too often occasion. But I hope your majesty will be so just as not to give credit to such misrepresentations. The part I acted in bringing about and making of the union, when the succession to the crown was settled for Scotland on your majesty's family, when I had the honour to serve as secretary of state for the kingdom, doth, I hope, put my sincerity and faithfulness to your majesty out of dispute. My family had the honour, for a great tract of years, to be faithful servants of the crown, and have had the care of the king's children, when kings of Scotland, entrusted to them. A predecessor of mine was honoured with the care of your majesty's grandmother, when young; and she was pleased to express some concern for our family in letters which I still have under her own hand. I had the honour to serve her late majesty in one capacity or other ever since her accession to the crown. I was happy in a good mistress, and she was pleased to have some confidence in me and regard for my service; and since your majesty's happy accession to the crown, I hope you will find that I have not been wanting in my duty in being instrumental in keeping things quiet and peaceable in

the country to which I belong and have some interest in. Your majesty shall ever find me as faithful and dutiful a subject and servant as ever any of my family have been to the crown, or as I have been to my late mistress the queen. And I beg your majesty may be so good as not to believe any misrepresentations of me, which nothing but party hatred, and not the zeal for the interest of the crown, doth occasion; and I hope I may presume to lay claim to your royal favour and protection. As your accession to the crown hath been quiet and peaceable, may your majesty's reign be long and prosperous, and that your people may soon have the happiness and satisfaction of your presence among them, is the earnest and fervent wish of him who is, with the humblest duty and respect, sire, your majesty's most faithful, most dutiful, and most obedient subject and servant." Mar further obtained a loyal address to the king, with offers of their services, from upwards of a hundred highland chiefs who were generally looked upon as not among the best affected to the protestant succession. But this attempt at conciliation was in vain; the address was suspected of being an intentional deception, and was ill-received, and the earl was deprived of his office. The jacobite nobles were further provoked by some acts of perhaps unnecessary rigour. At Inverlochy and some other places the highlanders held private meetings and seemed inclined to rise, while in more than one instance, in their drunken frolics at night, they proclaimed the pretender. The government immediately ordered inquiry to be made into these reported acts of dissatisfaction, and at the same time the duke of Gordon was ordered to remain within the bounds of the city of Edinburgh, the marquis of Huntley to confine himself within his house at Brahan, and lord Drummond in Drummond castle. Lord Drummond, however, made his escape to the highlands, and thence sent to the regency to offer bail for his good behaviour. Two other men of influence, Campbell of Glenderule and Macdonald of Slait, were placed under arrest and carried prisoners to Edinburgh. A great hunting match, which had been appointed in the highlands, and which was suspected to have a political object, was forbidden; and the duke of Athol was ordered to stay at his castle of Blair, to preserve the peace of the country. Soon afterwards, an ill-judged proclamation of the pretender, dated on

the 29th of August, 1714, at Plombières, and printed in English, French, and Latin, made its appearance. In it he proclaimed his rights to the throne of Great Britain, and called upon all princes to come forward and protect in his person the cause of injured royalty, inviting his subjects to return to their obedience to the old legitimate stock as the only means of obtaining favour from heaven. He declared his conviction of the intentions of the late queen to restore him, in a manner which left no doubt in the minds of the whigs of the treasonable designs of their opponents. "Contrary to our expectations," he said, "upon the death of the princess our sister, of whose good intentions towards us we could not for some time past well doubt (and this was the reason we thus sat still, expecting the good effects thereof, which were unfortunately prevented by her deplorable death), we found that our people, instead of taking this favourable opportunity of retrieving the honour and true interests of the country, by doing us and themselves justice, had immediately proclaimed to their king a foreign prince to our prejudice, contrary to the fundamental and incontestible laws of hereditary right."

For a time, while the jacobites in England were showing their discontent in local turbulence and outrage, in Scotland they appeared to be perfectly tranquil; but early in the year 1715, various circumstances occurred which seemed to show that there were secret preparations for a rising in favour of the chevalier. Towards the end of February, information was carried to the duke of Argyle at Edinburgh, that a vessel laden with arms and ammunition had arrived in the Isle of Skye and landed its cargo, and that five officers, who had come with it, had immediately dispersed themselves among the highlands. This was followed by a private assurance that arms and ammunition had been extensively distributed among the highlanders, who were in daily expectation of the arrival of the pretender, and were ready to rise immediately in his favour. Upon these reiterated warnings, Argyle, in virtue of his office of commander-in-chief of the army in Scotland, held a consultation with the dukes of Montrose and Roxburgh, as to the best distribution of the small number of regular troops then in that kingdom. The same day Argyle reviewed the earl of Forfar's regiment; and the dragoons who were scattered along the border, were called in and stationed on the

lines of Leith. That the fears of the government were not groundless appeared soon after by seizures of arms in several parts of the highlands; and so bold had the partisans of the pretender become at Dundee, that the magistrates actually forbade, by drum and open proclamation, and under a penalty of forty pounds Scots, any one of the inhabitants of that town to celebrate the birthday of king George on the 27th of May. The loyal burghers, to evade the penalty, marched out of the town, and drew up in arms at the house of Didhope, which was beyond the limits of the jurisdiction of the magistrates. After drinking many loyal toasts, and celebrating the king's birthday in a very noisy manner, they returned peaceably to the town. The magistrates, who seemed to have reckoned upon their committing some disorder or breach of the peace, consoled themselves next day by celebrating the restoration of Charles II.; and on the 10th of June following, some of them assembled at the cross and there drank the health of the pretender as king James VIII. At Crieff on the coast of Perth, the jacobites committed a violent assault on an unfortunate gauger, and cut off one of his ears, by way, as they said, of "marking him for Hanover." In other parts the preparations for rebellion were carried on in a way which could not long escape detection. Many of the jacobite gentlemen were actively employed in buying up all the serviceable horses, to mount cavalry; while several packages of arms were seized on their way to the highlands. Intelligence from abroad soon confirmed the suspicions of the English government; and it became known, from information which could not be doubted, that the chevalier was making the utmost exertion, with the assistance more or less secret of some of the catholic powers, to fit out an expedition for a new attempt to enforce his claims to the British crown. At length, on the 20th of July, 1715, the king came to the two houses of parliament and told them, "that he had certain advices that the chevalier was making preparations for invading this country, aided by a restless party in his favour at home. In these circumstances, he thought it proper to ask their assistance, and doubted not but they would so far consult their own security, as not to leave the nation, under a rebellion actually begun at home, and threatened with a foreign invasion, in a defenceless condition." Both

houses replied in loyal addresses, assuring him that "they would, with their lives and fortunes, aid his majesty in defence of his person and undoubted right and title to the crown, in defiance of all his open and secret enemies." They urged him to give immediate directions for fitting out such a number of ships as might effectually guard the coasts; and issue commissions for augmenting the land forces.

No time was now lost in making the necessary preparations to avert the danger. Next day, the commons ordered "a bill to empower the king to secure and detain such persons as he might suspect to be conspiring against his person and government, until the 24th of January following;" by which the habeas corpus act, and the Scottish act against wrongous imprisonment, were suspended, as to cases of treason, or suspicion of it, till the 24th of January; horses of five pounds value, or upwards, found in the custody of any person whom any lieutenant, or two or more deputy-lieutenants, or other magistrates, might judge to be dangerous to the peace of the kingdom, were to be seized and detained for six weeks. A bill was also ordered in for encouraging loyalty in Scotland, and summoning all suspected persons to appear at Edinburgh, or where it might be deemed expedient, to find bail for their good behaviour. The same regulations with regard to freeing the loyal vassals of traitors were adopted as on a former occasion.

On the 22nd of July, the British fleet was ordered to rendezvous in the Downs, under the command of sir George Byng, who immediately sent a certain number of ships to cruise to the westward, and others towards the Nore. General Erle, governor of Portsmouth, was ordered to be on the alert, a report having reached the government of a design to surprise that important place; and two battalions were sent to reinforce the garrison till more forces could be sent to secure it. The household troops, consisting of three regiments of foot-guards, one of which was under the command of the duke of Argyle, and four troops of horse-guards, encamped in Hyde-park, where general Cadogan had laid out the ground. The militia of Westminster were also ordered out and reviewed by the earl of Clare, lord-lieutenant of Middlesex. The trained bands were mustered to suppress riots, which were unusually frequent and audacious about this time. Other precau-

tions were taken for the defence of the government; proclamations were issued against papists and non-jurors, and on the 28th of July, a bill was passed "for the further security of his majesty's person and government and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors." It enabled his majesty to grant a commission to administer the oaths of allegiance, supremacy, and abjuration, to all officers, common seamen, and soldiers; and contained a clause for rendering more effectual the provision in an act of the first year of his majesty's reign, for seizing and securing the person of the chevalier. It provided, that "the sum of one hundred thousand pounds should be paid to any person or persons, being natives or foreigners, who shall seize or secure the person of the pretender, alive or dead, whenever he shall land, or attempt to land, in Great Britain or Ireland, or any other of his majesty's dominions." At the same time the king gave notice to the states-general of Holland, to hold themselves ready with their assistance of six thousand men, stipulated by the late treaty of guarantee for preserving the protestant succession, and a squadron of men-of-war, if occasion required.

Nothing, indeed, was omitted to secure the government against any attempt in England, but for some reason or other, Scotland appears to have been unaccountably neglected. The utmost zeal, however, was shown by the presbyterian party. No sooner had intelligence of the danger of invasion reached Edinburgh, than the few regular troops there were encamped in St. Ann's-yard, near Holyrood-house. The lord provost and magistrates ordered the trained bands to arms, and the city guard to be reinforced, and took every other precaution for securing the city from any sudden attempt. They resolved to levy four hundred men, to be maintained by the citizens, and placed under the command of officers appointed by the lord provost and council. In other parts of the kingdom many persons of quality and gentlemen of property formed associations, and sent round a circular letter, urging people to take up arms in defence of the king and country. There were two associations of this kind formed, of which the first subscribed the following declaration:—"We, subscribing, being under a

deep sense of the goodness of Almighty God, in bringing to the peaceable possession of the imperial crown of these realms our only rightful and lawful sovereign, king George, under whose good and wise administration we enjoy the invaluable blessings of having our pure and holy religion and just liberties preserved unto us, and the comfortable prospect of transmitting them to posterity; and considering that the welfare and safety of these nations, and of the reformed religion, both at home and abroad, do, under God, depend upon the preservation of his majesty's royal person and government; and that before and since his majesty's happy accession, there has been, and still is, a restless popish and jacobite faction, who have left no pernicious contrivance unattempted, to impose upon us a popish pretender, tending to the utter subversion and destruction of our laws and liberties, and of everything dear to us as men and christians; and that we have at present certain evidences, that there is on foot a design of an invasion from abroad in favour of the pretender, while his friends and abettors at home are preparing to involve these nations in blood and confusion, and wreathe the yoke of popery and slavery about our necks; and being convinced that it is our duty as good protestant subjects, to contribute our endeavours for preventing these malicious and fatal attempts, we do conform to the laudable practice in former times of imminent danger, hereby mutually promise, and solemnly engage and oblige ourselves to stand by and assist one another, to the utmost of our power, in the support and defence of his majesty king George, our only rightful sovereign, and of the protestant succession now happily established, against all open and secret enemies, for the preservation and security of our holy religion, civil liberties, and most excellent constitution both in church and state. And seeing there are many well-affected persons, who are not able, without being assisted, to concur with us, for securing the public peace at a distance from their houses and employments, in case a foreign invasion or intestine insurrection should be attempted, or made to disturb his majesty's right and possession: therefore, we bind and oblige us, each of us for ourselves, to pay and advance the sums of money annexed to our several subscriptions, for supporting and maintaining of such a number of men, to receive orders from his majesty's com-

mander-in-chief in Scotland for the time, for so many days as the commissioners or managers after-mentioned shall find the money subscribed for, sufficient to maintain: and it is hereby declared, that we have instantly at our subscribing advanced the fourth part of the sum for which we have subscribed, which is deposited in the hands of ———, whom we here nominate to be our treasurer: and it is also hereby provided and declared, that a competent number of managers shall be chosen and elected by us, in manner after-mentioned, for expending of the money according to the intent of these presents, and for giving such necessary directions and orders as shall be proper, from time to time, and that these managers shall forthwith, upon their election, be empowered to employ what part of the money in the hands of the said ———, our treasurer, they shall think fit, for raising and maintaining the said men, and afterwards to order him to lay out and dispose of the remainder, by warrants under their, or the major part of their hands, to him directed, as emergency may require; with full power to them, in case they shall see a necessity for further advances to be made by us, to call for what moieties of the remaining part of our subscription-money they shall think fit, which we hereby oblige ourselves to pay to them, or their order, on demand. And it is further provided and declared by these presents, that such of us as do subscribe for ——— pounds sterling, or above, shall have a vote in the election of the said commissioners or managers, and that such of us as shall be so entitled to vote in the said election, shall determine the number of the said commissioners or managers, and appoint what part of them shall be a quorum, and give them general directions and instructions how to manage in that trust. Provided always, and it is hereby specially provided and declared, that our said treasurer shall, upon his acceptance, grant an obligation to be lodged in the hands of the said commissioners, to account to them for all the money he shall receive by virtue hereof, and to repay the several contributors according to the sums they shall advance, their proportions of what part thereof shall remain undisposed of, as soon as he shall be ordered so to do by the said commissioners. And, lastly, being sensible that it is our duty to be always on guard against the treasonable practices of these his majesty's restless enemies, we do

hereby bind and oblige ourselves, that though God in his mercy should disappoint our fears, yet this association should stand in full force, in case of any attempt which may hereafter be made by the said pretender or his abettors against the person or government of his present majesty, king George, or the protestant succession in his royal family, and to make payment of what part of our subscription-money shall remain unexpended on this occasion, when demanded by the commissioners. In witness whereof, these presents, concerted at Edinburgh, the 1st day of August, 1715, being the first day of the second year of the auspicious reign of our sovereign lord George, of Great Britain, France, and Ireland, are subscribed by," &c.

The other association consisted of those who were willing and able to fight, but, being unable to take the field at their own charge, were to receive pay. They signed an obligation, that upon the first notice of the chevalier's landing in any part of Britain, or upon advice of any insurrection, or appearance of his friends and abettors at home in a hostile manner, for the support and assistance of the chevalier, they would assemble and meet together with their best horses and furniture, whether for foot or horse service, according to their abilities, and to the best of their power to comply with and obey such orders as they should receive from the government, for the supporting of his majesty king George, his person and government, and in defence of their liberties, civil and sacred, against the chevalier and all his abettors. They issued the following circular letter:—

“Edinburgh, 1st August, 1715.

“Sir,—The certainty of a designed invasion, in favour of a popish pretender to the crown, being no longer doubted of, and the danger thereby threatened, as well to his sacred majesty king George, his person and government, as to all his good subjects, in their dearest and most valuable interests, being equally great, it comes to be the immediate duty of all who have any sincere regard to the true protestant religion, and the civil rights and liberties of mankind, to show a zealous concern for the preservation of these invaluable blessings, by exerting themselves to the utmost, in defence of his majesty's just right and title to the crown, and vigorously opposing all attempts that shall be made to disturb his government. For these ends, we, his majesty's faithful

subjects in and about this city, have, under the countenance of those in authority here, cheerfully and unanimously engaged ourselves in a bond of association, to assist and support one another, in manner therein expressed: and being also sensible how proper it is to encourage and stimulate others to so necessary a duty, we have thought fit to send a copy of our foresaid association to you, and many other parishes in Scotland, who, we hope, from the same motives contained in the preamble of our paper, will stir up themselves, in their several stations, to act with such resolution as becomes those who have their all at stake. The prize we contend for is liberty; it is essential to our very happiness. For how can we possibly retain our civil and religious rights, if we tamely submit to the yoke, and part with our liberty? Will not life itself be a burden, if all that is dear to us, either as men or christians, shall thus be lost, past all hopes of recovery? This consideration alone should rouse us from a fatal security, and our anxiety for liberty should daily increase in proportion to our danger, which is visibly hastening upon us, by the secret and open attacks of the restless enemies of our peace and happiness. Is it not then seasonable and honest thoroughly to consider our circumstances, and to let our enemies know that we are on our guard? We do, therefore, persuade ourselves, it will be the business of every honest man to look up with spirit, and do his utmost to maintain and defend our excellent constitution both in church and state, the sum of our present happy condition, which, by the blessing of God, nothing can make desperate but our own sloth and cowardice. Has not our good and gracious God hitherto made signal appearances on our behalf? Have not our eyes seen the salvation he hath wrought for us, time after time? Can we, without horror, remember the unparalleled cruelties we met with, when a popish interest and faction had the ascendant? Can we forget the remarkable deliverance God wrought for us, in breaking the yoke of their arbitrary and tyrannical government, by the great king William, in the late glorious revolution? Can we have forgot the goodness of God, in defeating the last attempt of this nature, in such a manner as left no ground to doubt but that God did then appear on our side? Or shall we ever cease to remember the seasonable and surprising interposition of heaven, in bringing his present

majesty king George to the quiet and peaceable possession of the throne of these realms; and this at a time when our fears were so great, that nothing but a solid persuasion of the Lord God, his concerning himself for his own interest, kept up our spirits, and made us hope for relief? Why should we then despond? the same hand is not now shortened, that it cannot save; the same God we trust in, is both able and willing to rescue us from the imminent dangers that now threaten us, by the insurrection of a jacobite faction, and the invasion of a pretender to the crown, who has been educated in all the maxims of popish bigotry and French tyranny, and now comes against us with an army of Irish cut-throats, assisted (as we have no reason to doubt) by the grand enemy to the reformed interest in Europe, who hath imbrued his hands so much in protestant blood. It is, therefore, earnestly recommended to you, to further so good and necessary a work, as you cannot but be convinced the above-mentioned association must be at this time. Court the present opportunity, get all the honest hands to it you can, and then appoint your place of rendezvous, that you may be in readiness to come together when you hear of a landing. And let us have the satisfaction to know what happy progress you may make from time to time in this affair, addressing your letters to the secretary of our society, who by our order subscribes this to you. In the meantime, let us all be much employed in fervent prayer to God, that the great Jehovah, Lord of heaven and earth, may prosper and succeed all our endeavours for the preservation of our peace, and the security of our holy religion and civil rights, and that this God may bless and preserve his most sacred majesty, king George, in his royal person and government, and his protestant issue, to latest posterity. And to conclude, 'Let us be of good courage, and play the men for our people, and the cities of our God, and the Lord do that which seemeth him good.'

In a few days a considerable sum was subscribed in Edinburgh, Glasgow, and other towns; and all ranks seemed eager to evince their loyalty. This loyal spirit seemed, indeed, to pervade all classes of society in Scotland, and the eagerness to associate spread rapidly through the country; but it was discouraged by the government in consequence of a suggestion which had been made to the king that collecting

money and men in this way for a public purpose might be deemed an invasion of the prerogative of the house of commons, which alone can levy money for the service of the state. When, therefore, the associations addressed his majesty, and offered him their assistance, he expressed his satisfaction at their zealous endeavours to aid the government, but told them that their assistance would not be needed, as he understood that the chevalier had discontinued his preparations for invasion so soon as he had heard of the precautionary measures for preventing it.

The patriotism of the Scots was not checked by this repulse, and they did not desist from their preparations. The "associate volunteers of Edinburgh," amounting to four hundred men, practised daily in military exercises, and subscribed the following bond:—"We, the subscribers, do hereby mutually promise and engage ourselves, to stand by and assist one another, to the utmost of our power, in the support and defence of his majesty, king George, our only rightful sovereign, and of the protestant succession now happily established, against the pretender, and all open and secret enemies; for the preservation and security of our holy religion, civil liberties, and most excellent constitution, both in church and state." The other cities and towns were not less active. At Glasgow, which had always been distinguished for its patriotism, a meeting of the council was held, and they resolved to order out the trained bands, and to double the guards. The alarm was also communicated to Paisley, Greenock, Air, Kilmarnock, Irvine, Kilwinning, Saltcoats, Lanark, Hamilton, Strathaven, Rutherglen, and the villages adjacent, which were speedily put in a posture of defence, as they were exposed to the incursions of the highlanders. The towns of Kilmarnock and Dumfries also showed their zeal in an especial manner. The trained bands in the latter town were ordered out, and strong guards were constantly kept. Seven companies, each of sixty effective men, were raised among the inhabitants, who were commanded by the provost, and were excellently trained. A company of the younger classes was formed from the rest, under the title of the "company of loyal bachelors;" to prevent emulation among which, their officers were taken from the married men. The gentlemen, clergy, and people in Nithsdale and Galloway, were actuated by the same zeal, and

perceiving frequent consultations among the jacobites, and movements among the highlanders, they made every preparation necessary to resist their designs, each parish exercising regularly with arms. Guards were placed on the roads, to examine strangers, search for letters, and cut off the communications of the jacobites. In one instance, Bell, of Minsca, a jacobite gentleman, having insulted the guards at Penpont, and refusing to stand when desired by them, was shot through the leg; which was the first affray, accompanied with the loss of blood, that happened in the cause of the pretender. About the end of July, major James Aikman was sent thither from Edinburgh, accompanied by sir Thomas Kirkpatrick of Closeburn, Mr. Gordon of Earlstoun, and Mr. James Nimmo from Edinburgh, to witness and direct the preparations. They inspected several regiments in Galloway, and such of those in Nithsdale as were properly accounted, at a review on Marjory Muir; after which, in co-operation with Mr. John Pollock, minister of Glen-carne, they convened a meeting at Closeburn, to make the necessary arrangements for the security of the country, and it was there unanimously agreed—"1st. That each parish be modelled into companies, and proper officers chosen for that effect. 2nd. That each parish exercise twice or thrice a-week. 3rd. That upon the first advice of the pretender's landing, each parish should meet separately, in some convenient place, to concert what should be done either with their horse or foot; and it was earnestly desired that they should bring their arms and ammunition with them to that place. 4th. That upon the first notice of the pretender's arrival at Loch-ryon, Kirkcudbright, upon the borders, or in the Firth of Forth, Sanquhar should be the place of rendezvous for the western shires. 5th. That upon the enemy's landing in any of these places, all the horses and cattle should be driven from the coasts into the country; and that a body of horsemen attend, to hinder their plundering the country. 6th. That there be a party of light horse or foot in each parish, to unite with the neighbouring parishes in preventing the junction of the jacobites with the French, to interrupt their communications, and harass their parties; and for this end, all roads leading to the enemy should be blockaded, and persons travelling towards them in arms secured. 7th. That all boats on the western coasts be secured, to

prevent any communication with the French fleet, should they appear. 8th, and last. That our friends in every particular district fall upon ways and means to make these arrangements effectual."

On the 8th of August, the inhabitants of Kelso assembled in their church, and subscribed the following agreement:—"We, subscribers, do, by these presents, bind and oblige ourselves, by the blessing of God, to assist and stand by one another, in defence of our lawful sovereign, king George, the succession of the crown happily established by law, and the protestant religion, in opposition to a popish pretender, and all his abettors." Next day, Mr. Chatto, a magistrate, assisted by the neighbouring gentlemen, Mr. Ramsay the minister, and the principal inhabitants, concerted measures for their mutual defence. Besides those who were already armed, 120 muskets were

given to a select number of the inhabitants, under the command of proper officers, and distributed through the several wards of the town; and such was the zeal of the inhabitants of this place, that a hundred more offered their services than could be supplied with arms. They were reviewed by sir William Bennet of Grubbet, and sir John Pringle of Stichel. Thus, nearly all the towns in Scotland, particularly those which were most exposed to invasion, exerted every nerve to render their religion and liberties secure. Nor were individuals wanting in similar zeal. The earl of Glasgow, whose seat was near the highlands, understanding that certain clans were preparing to welcome and join the chevalier, and perceiving that the number of regular troops in the country was inadequate to the threatened danger, offered to maintain a thousand men upon his own expense.

CHAPTER IV.

THE REBELLION OF 1715.

WHATEVER were, meanwhile, the preparations of the jacobites in Scotland, they seem not to have acted in concert, and to have been divided into two parties who were suspicious of each other. The first step towards uniting them was made by the earl of Mar, who, when he found all his advances at court treated with neglect, determined to revenge himself on his political opponents, the whigs, by entering into a close alliance with the pretender. He had received money from abroad, it was said as much as a hundred thousand pounds sterling, with letters and instructions in the chevalier's own hand, and he pretended to have a commission appointing him lieutenant-general and commander-in-chief of his forces in Scotland, although it is believed that the commission did not really arrive till after he had raised the banner of the Stuarts. To prevent detection, Mar embarked, on the 1st of August, in disguise, with major-general Hamilton, colonel Hay, and two servants, on board a collier bound from the Thames to Newcastle, where he arrived on the 4th. A vessel was there hired of a man

named Spence, which set them ashore at Ely, on the coast of Fife, whence they proceeded to Crail. Mar, on his arrival here, was joined by sir Alexander Erskine (lord lyon), and others of his friends, and they went forward to Kinnoul, in Perthshire, where they spent Wednesday, the 17th, and on the 18th, Mar passed the river Tay, about two miles below Perth, with forty horse, on his way to the north. Next day, he sent letters to all the jacobites round the country, inviting them to meet him at Brae-Mar, in Aberdeenshire, where he arrived on Saturday, the 20th of August.

A proof that Mar's measures were in some degree preconcerted, is found in the circumstance that on Saturday, the 6th of August, the jacobites of his party at Edinburgh were apprised of his movements. Even there, however, it was kept secret among the jacobites themselves, and only a few of the more trustworthy of their own party were made acquainted with it; but early on the morning of the 7th, captain John Dalzell, a half-pay officer, who had resigned his commission to the earl of Orkney, in order to

enter the service of the pretender, was sent out to give the alarm to his brother, the earl of Carnwath, then at Elliock; whence information was communicated to the earl of Nisdale, lord Kenmure, and other friends in these parts; the earl went immediately and convened his friends, who repaired to Lothian, giving out that they were going to hunt in the north. Under this plausible pretext, Mar assembled the chiefs of his party at Brae-Mar, on the 26th of August, where a number of noblemen and gentlemen assembled, among whom were the marquis of Huntley, eldest son to the duke of Gordon; the marquis of Tullibardine, eldest son to the duke of Athol; the earls of Nithsdale, Mareschal, Traquair, Errol, Southesk, Carnwath, Seaforth, and Linlithgow; viscounts Kilsyth, Kenmure, Kingston, and Stormount; the lords Rollo, Duffus, Drummond, Strathallan, Ogilvy, and Nairn; with many chiefs of clans, among whom were the two generals, Hamilton and Gordon, with the lairds of Glenderule, Auldbair, Auchterhouse, and Glengarry. After the hunting, the whole party were feasted, and in the sequel the earl of Mar addressed them in a speech full of invectives against the existing government. He said that, though he had been instrumental in accomplishing the union of the two kingdoms in the late reign, yet now his eyes were opened, and he saw his error, and would use every exertion to make the Scots again a free people; that they should, in the event of success, enjoy their ancient privileges, which were, by the cursed union, surrendered to the English, whose power to enslave them was very great, while their design to do so becoming daily more visible, in the measures pursued by the government; that the prince of Hanover, since he ascended the throne, had disregarded the welfare of his subjects and their religious interests, by making considerable encroachments on their liberties in church and state; and that the conduct of those at present entrusted with the administration of affairs, had aroused many to determine vigorously to defend their liberties and properties against the innovations of the courtiers, and to establish upon the throne of these realms the chevalier, who, he said, had the only undoubted right to the crown, had promised to hear their grievances, and would redress their wrongs. He then excited them to take arms for the chevalier, whom he spoke of as king James VIII., and told them that he

was resolved to unfurl his standard, and summon all the fencible men of his own tenants, as he was determined to hazard his life in the cause. He encouraged them by the assurance that there would be a general insurrection throughout England in his favour; and that their "king" had already received large supplies, and promises of further assistance, from France, and several continental states, who had stipulated, by treaty, to assist in deposing king George, and establishing the chevalier. He then produced letters written by the chevalier himself, from Lorraine, in which he promised to come over, and trust himself to the valour and fidelity of his Scottish subjects, and assured them that ships, containing arms, ammunition, and military stores, with officers, engineers, and volunteers, would be sent as soon as he was informed what port would be most convenient for their reception. He, at the same time, produced a commission, appointing him lieutenant-general, commander-in-chief, and secretary at war, and concluded by stating that as he would be amply provided with money to maintain an army, neither the noblemen who might join this cause, nor the country, would sustain any part of the expense. With these and similar arguments, which he delivered in a very animated manner, Mar prevailed upon his auditors to embrace his project, and they are said to have on the spot engaged by oath to remain true to each other, and to bring over their friends and dependents to the design. After the meeting, they dispersed, each to his own estate, to make arrangements for appearing in arms, so soon as they should receive the signal from the earl of Mar, who remained on his own estate with only a few attendants.

The confederates were not allowed to wait long for this signal, for within a few days Mar summoned a general meeting at Aboyne, in Aberdeenshire, which was held on the 3rd of September, when he directed them to concentrate their forces without delay, and returning to Brae-Mar, he collected his own dependents, chiefly horse, and erected the standard of the Stuarts, at Castleton, on the 6th of September. This standard, supposed to have been made by the countess of Mar, was blue, having on the one side the Scottish arms wrought in gold, and on the other, the Scottish thistle, with the words "No union" beneath, and above, the ancient motto, "*Nemo me impune lacessit*." It had pendants of white ribbon,

one of which had the inscription, "For our wronged king and oppressed country;" and the other, "For our lives and liberties." It is said that, when the standard was first erected, the ball on the top fell off, which was regarded by the superstitious highlanders as ominous of misfortune to their cause. They went first to a small town named Kirkmichael, where they proclaimed the chevalier, and invited the people to join his standard. They next entered Moulin, another small town in Perthshire, where the highlanders began to come in. The pretender was at the same time proclaimed at Aberdeen by the earl Mareschal; at Dunkeld, by the marquis of Tullibardine; at Perth, by colonels Balfour and Hay, who had seized that place; at Castle Gordon, by the marquis of Huntley; at Brechin, by the earl of Panmure; at Montrose, by the earl of Southesk; at Dundee, by Graham of Duntroon, afterwards created viscount Dundee; and at Inverness, by brigadier-general Mackintosh, at the head of six hundred men, who, having found that important pass without a garrison, took possession of it, and, leaving sir John M'Kenzie of Coul governor, returned to the army.

While thus employed, the leaders of the insurrection received intelligence of an event far more discouraging than the accident which had happened to their banner—the death of Louis XIV., which produced so great a consternation, that a council was immediately held, at which it was debated whether it would not be prudent, under the circumstances, to abandon the enterprise. Some, indeed, convinced that all hope of assistance from France was now at an end, would have retired at once to their homes, but in the end the majority, depending on a general insurrection in England, determined to proceed, and messengers were sent to the pretender to press his departure for Scotland without delay. The earl of Mar now assumed the title of lieutenant-general of his majesty's forces, and published the following declaration, which he sent, with a letter, to the baillie of Kildrummy:—

"Our rightful and hereditary king, James VIII., by the grace of God, who is now coming to relieve us from our oppressions, having been pleased to entrust us with the direction of his affairs, and the command of his forces in this his ancient kingdom of Scotland; and some of his faithful subjects and servants, met at Aboyne, viz., the lord Huntley, the lord Tullibardine, the

earl Mareschal, the earl of Southesk, Glengarry from the clans, Glenderule from the earl of Breadalbane, and gentlemen of Argyleshire, Mr. Patrick Lyon of Auchterhouse, the laird of Auldbair, lieutenant-general George Hamilton, major-general Gordon, and myself, having taken into consideration his majesty's last and late orders to us, find, that as this is now the time he ordered us to appear openly in arms for him, so it seems to us absolutely necessary for his majesty's service, and the relieving of our native country from all its hardships, that all his faithful and loving subjects, and lovers of their country, should, with all possible speed, put themselves into arms. These are, therefore, in his majesty's name and authority, and by virtue of the power aforesaid, and by the king's special order to me thereunto, to require and empower you, forthwith, to raise your fencible men with their best arms; and you are immediately to march them to join me and some other of the king's forces at the Indor of Braemar, on Monday next, in order to proceed in our march to attend the king's standard with his other forces. The king, intending that his forces shall be paid from the time of their first setting out, he expects, as he positively orders, that they behave themselves civilly, and commit no plundering, or other disorders, upon the highest penalties and his displeasure, which, it is expected, you'll see observed. Now is the time for all good men to show their zeal for his majesty's service, whose cause is so deeply concerned, and the relief of our native country from oppression, and a foreign yoke too heavy for us and our posterity to bear; and to endeavour the restoring not only of our rightful and native king, but also our country to its ancient, free, and independent constitution, under him whose ancestors have reigned over us for so many generations. In so honourable, good, and just a cause, we cannot doubt of the assistance, direction, and blessing of Almighty God, who has so often rescued the royal family of Stuart and our country from sinking under oppression. Your punctual observance of these orders is expected; for the doing all which, this shall be to you, and all you employ in the execution of them, a sufficient warrant. Given at Braemar, 9th September, 1715.—MAR."

The letter which accompanied this proclamation is a characteristic picture of the feudal system as it still existed in the high-

lands. It appears that Mar's own vassals had not shown the zeal he expected :—

“Invercauld, Sept. 9th, at night, 1715.

“Jock,—Ye was in the right not to come with the hundred men ye sent up to-night, when I expected four times the number. It is a pretty thing when all the highlands of Scotland are now rising upon their king and country's account, as I have accounts from them since they were with me, and the gentlemen of our neighbouring lowlands expecting us down to join them, that my men should be found refractory. Is not this the thing we are now about which they have been wishing these twenty years? And now when it is come, and the king and country's cause is at stake, will they for ever sit still and see all perish? I have used gentle means too long, and so I shall be obliged to put other orders I have in execution. I have sent you, enclosed, an order for the lordship of Kildrummy, which you are immediately to intimate to all my vassals. If they give ready obedience, it will make some amends; and if not, ye may tell them from me, that it will not be in my power to save them (were I willing) from being treated as enemies by those who are ready soon to join me; and they may depend on it that I will be the first to propose and order their being so. Particularly, let my own tenants in Kildrummy know, that if they come not forth with their best arms, that I will send a party immediately to burn what they shall miss taking from them: and they may believe this not only a threat, but, by all that's sacred, I'll put it into execution, let my loss be what it will, that it may be an example to others. You are to tell the gentlemen that I'll expect them in their best accoutrements, on horseback; and no excuse to be accepted of. Go about this with all diligence, and come yourself and let me know your having done so. As this is not only as ye will be answerable to me, but to your king and country.—Your assured friend and servant.—To John Forbes, In-creran, baillie of Kildrummy.”

It appears that, with this proclamation, Mar had recourse to the old ceremony of sending round the fiery cross to summon the subjects to arms. The consequence was that his forces increased as he marched from Kirkmichael to Moulin, and thence to Dunkeld, where he now fixed his headquarters. From thence the earl and the other chiefs published the following manifesto, which they had procured to be printed

by Mr. Robert Freebairn, one of the king's printers in Edinburgh :—

“*Manifesto by the noblemen, gentlemen, and others, who dutifully appear at this time in asserting the undoubted right of their lawful sovereign, James VIII. by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith, &c., and for relieving this his ancient kingdom from the oppressions and grievances it lies under.*—His majesty's right of blood to the crowns of these realms is undoubted, and has never been disputed or arraigned by the least circumstance, or lawful authority. By the laws of God, by the ancient constitutions, and by the positive unredeemed laws of the land, we are bound to pay his majesty the duty of loyal subjects: nothing can absolve us from this our duty of subjection and obedience. The laws of God require our allegiance to our rightful king. The laws of the land secure our religion and other interests: and his majesty, giving up himself to the support of his protestant subjects, puts the means of securing to us our concerns, religious and civil, in our own hands. Our fundamental constitution has been entirely altered, and sunk amidst the various shocks of unstable faction, while, in searching out new expedients pretended for our security, it has produced nothing but daily disappointments, and has brought us and our posterity under a precarious dependence upon foreign councils and interests, and the power of foreign troops. The late unhappy union, which was brought about by the mistaken notions of some, and the ruinous and selfish designs of others, has proved so far from lessening and healing the differences betwixt his majesty's subjects of Scotland and England, that it has widened and increased them: and it appears by experience so inconsistent with the rights, privileges, and interests of us, and our good neighbours and fellow-subjects of England, that the continuance of it must inevitably ruin us and hurt them. Nor can any way be found out to relieve us and restore our ancient and independent constitution, but by the restoring our rightful and natural king, who has the only undoubted right to reign over us: neither can we hope that the parties who chiefly contributed to bring us into bondage, will at any time endeavour to work our relief, since it is known how strenuously they opposed, in two late instances, the efforts of all Scotsmen by themselves, and supported by the best and wisest

of the English, towards so desirable an end, as they will not adventure openly to disown the dissolution of the union to be. Our substance has been wasted in the late ruinous wars, and we see an unavoidable prospect of having wars continued on us and our posterity, so long as the possession of the crown is not in the right line. The hereditary rights of the subjects, though confirmed by conventions and parliaments, are now treated as of no value or force; and past services to the crown and royal family are now looked upon as grounds of suspicion. A packed-up assembly, who call themselves a British parliament, have, so far as in them lay, inhumanly murdered their own and our sovereign, by offering a great sum of money as the reward of so execrable a crime. They have proscribed, by unaccountable and groundless impeachments and attainders, the worthy patriots of England, for their honourable and successful endeavours to restore trade, plenty, and peace to these nations. They have broken in upon the sacred laws of both countries, by which the liberties of our persons were secured; they have empowered a foreign prince (who, notwithstanding his expectations of the crown for fifteen years, is still unacquainted with our customs, manners, and language) to make an absolute conquest (if not timely prevented) of the three kingdoms, by investing himself with an unlimited power not only of raising unnecessary forces at home, but also of calling on foreign troops, ready to promote his uncontrollable designs. Nor can we be ever hopeful of its being otherwise in the way it is at present for some generations to come. And the said consequences of these unexampled proceedings have really been so fatal to great numbers of our kinsmen, friends, and fellow-subjects of both kingdoms, that they have been constrained to abandon their country, houses, wives, and children, or give themselves up prisoners, and perhaps victims, to be sacrificed at the pleasure of foreigners, and a few hot-headed men of a restless faction whom they employ. Our troops abroad, notwithstanding their long and good services, have been treated, since the peace, with neglect and contempt, and particularly in Holland; and it is not now the officer's long service, merit, and blood they have lost, but money and favour by which they can obtain justice in their preferments: so that it is evident, the safety of his majesty's person, and independency of his king-

doms, call loudly for immediate relief and defence. The consideration of these unhappy circumstances, with the due regard we have to common justice, the peace and quiet of us and our posterity, and our duty to his majesty and his commands, are the powerful motives which have engaged us in our present undertaking, which we are firmly and heartily resolved to push to the utmost, and stand by one another to the last extremity, as the only solid and effectual means of putting an end to so dreadful a prospect, as, by our present situation, we have before us; and with faithful hearts, true to our only rightful king, our country, and our neighbours, we earnestly beseech and expect (as his majesty's command) the assistance of all our true fellow-subjects to second this our first attempt; declaring hereby this our sincere intentions, that we will promote and concur in all lawful means for settling a lasting peace to these lands, under the auspicious government of our native-born, rightful sovereign, the direction of our own domestic counsels, and the protection of our native forces and troops. That we will, in the same manner, concur and endeavour to have our laws, liberties, and properties secured by the parliaments of both kingdoms. That, by the wisdom of such parliaments, we will endeavour to have such laws enacted, as shall give absolute security to us and future ages, for the protestant religion, against all efforts of arbitrary power, popery, and all its other enemies. Nor have we any reason to be distrustful of the goodness of God, the truth and purity of our holy religion, or the known excellency of his majesty's judgment, as not to hope that, in due time, good example, and conversation with our learned divines, will remove those prejudices which we know his education in a popish country has not rivetted in his royal discerning mind; and we are sure, as justice is a virtue in all religions and professions, so the doing of it to him will not lessen his good opinion of ours. That as the king is willing to give his royal indemnity for all that is past, so he will cheerfully concur in passing general acts of oblivion, that our fellow-subjects, who have been misled, may have a fair opportunity of living with us in the same friendly manner that we design to live with them.

"That we will use our best endeavours for redressing the bad usage of our troops abroad, and bringing the troops at home on

the same foot and establishment of pay as those of England. That we will sincerely and heartily go into such measures as shall maintain effectually, and establish a right, firm, and lasting union betwixt his majesty's ancient kingdom of Scotland and our good neighbours and fellow-subjects of England. The peace of these nations being thus settled, and we freed from foreign dangers, we will use our endeavours to have the army reduced to the usual number of guards and garrisons; and will concur in such laws and methods as shall relieve us of the heavy taxes and debts now lying upon us, and, at the same time, will support the public credit in all its parts. And we hereby faithfully promise and engage, that every officer who joins with us in our king and country's cause, shall not only enjoy the same post he now does, but shall be advanced and preferred according to his rank and station, and the number of men he brings off with him to us; and such foot soldier so joining us shall have twenty shillings sterling; and each trooper or dragoon who brings horse and accoutrements along with him, twelve pounds sterling gratuity, besides their pay. And, in general, we shall concur with all our fellow-subjects in such measures as shall make us flourish at home, and be formidable abroad, under our rightful sovereign, and the peaceable harmony of our ancient fundamental constitution, undisturbed by a pretender's interests and councils from abroad, or a restless faction at home. In so honourable, so good, so just a cause, we do not doubt of the assistance, direction, and blessing of Almighty God, who has so often succoured the royal family of Stuarts, and our country from sinking under oppression."

At the conclusion of the reading of this manifesto, the people present shouted, "No union! no malt, nor salt tax!" After which the highlanders returned to their quarters.

About this time the insurgents experienced a disappointment in the failure of a well-laid plot, under the direction of lord Drummond, to surprise the castle of Edinburgh on the 8th of September, 1715, between the hours of eleven and twelve at night, by mounting the walls on the west side with rope ladders, some of the garrison having betrayed their trust by admitting the conspirators. A sentinel, then on duty, actually let down a rope and pulled up the ladder upon which some of the party were

mounted. About eighty men, besides officers, are said to have been drawn into this enterprise, each of whom was to receive one hundred pounds sterling and a commission in the army. On the capture of the castle, lord Drummond was to be made governor, as the contriver of the plot, and upon its success, the conspirators were to fire three rounds of artillery, and this, by the communication of beacon fires, was to be a signal to the earl of Mar to march direct to Edinburgh with his forces. But one of the conspirators, a Mr. Arthur, formerly an ensign in the castle, had communicated the matter to his brother, Dr. Arthur, a physician in Edinburgh, who appearing very melancholy on the day before the attempt was made, his lady importuned him until she obtained the secret, and, that evening, she sent a servant with an anonymous letter to Cockburn of Ormistoun, the lord justice-clerk. He at once sent an express to lieutenant-colonel Stewart, deputy-governor of the castle, who immediately ordered the gates to be shut and the guards doubled. Still he showed sufficient negligence to draw suspicion upon himself, for he was subsequently deprived of his office, and committed prisoner to the tolbooth of Edinburgh. The loyal part of the garrison were now, however, on the alert, and as lieutenant Lindsay, with his party, was going the round near the sally port, he observed the ladder already fixed, and some of the conspirators in the act of mounting it. Two of the traitors, Thomson and Holland, were waiting to assist them, but when they were aware of the approach of Lindsay's party, they threw over the ropes precipitately, and the ladder, with all who were on it, fell to the ground. A party of the town guard, which, at the desire of the lord justice-clerk, had been sent with major James Aikman to patrol round the castle, came to the spot when they heard the alarm, and found one captain M'Clean, formerly an officer under king James, lying upon the ground, with his thigh bone broken by the fall. They secured him, with three others, Alexander Ramsay, and George Boswell, both writers in Edinburgh, and one Leslie, formerly a page to the duchess of Gordon. They also found the ladder, with a dozen of carabines, which the conspirators had thrown away in their flight. A sergeant named Ainsley, who was the principal traitor, was hanged.

The intelligence of the failure of the design against Edinburgh castle prevented

the insurgents from marching towards the south, but their number had been greatly increased since they came to Dunkeld, where they were joined by the marquis of Tullibardine at the head of two thousand men, by the duke of Athol with fourteen hundred, by fifteen hundred of the vassals of the earl of Breadalbane commanded by the Campbells of Glenderule and Glenlyon, and other chiefs. With these reinforcements, Mar's army now counted above twelve thousand men, and he was in a condition to act with vigour and promptitude. He had received intelligence that the royal army was encamped at Stirling, and that the earl of Rothes, with the loyal gentry of Fife, were advancing to secure the town of Perth, which commanded the passage over the Tay, for the government. Mar determined to anticipate this latter movement, and to secure Perth for king James. He accordingly dispatched a brother of the earl of Kinnoul, colonel John Hay, with two hundred horse, to occupy the town. Treachery was at work even here, for a few days before, the duke of Athol had sent a hundred and fifty of his men into Perth under pretence of assisting the inhabitants in holding the town for king George; but when, on the 18th of September, colonel Hay and his cavalry made their appearance, and the provost and troops of the town prepared to resist, Athol's men deserted to the rebels, and rendered resistance vain. The place was secured by the arrival immediately afterwards of two thousand men under general Hamilton, and on the 28th the earl of Mar proceeded thither in person with three thousand more.

The seizure of Perth gave a great advantage to the rebels, who thus not only secured the country behind them, but made themselves masters of the lowlands to the north of the Tay, including the rich provinces of Angus, the carse of Gowrie, Mearns, Murray, Aberdeen, and Banff, and in fact the whole eastern coast of Scotland, from Burntisland to the Murray firth, was in their possession. All communication between the king's forces in the north and south was cut off; the ordinary posts were stopped; the public revenue was seized by the earl of Mar, who gave receipts for it in the name of king James VIII.; and the gentry were assessed and compelled to pay contributions, under the threat of military execution. The same day on which the earl of Mar entered Perth, James Murray, second son of the

viscount Stormont, arrived secretly in Edinburgh, on his way from the pretender's court. He brought with him letters from prince Charles, with patents appointing himself secretary of state for the affairs of Scotland, and conferring on Mar a dukedom, with the titles of duke of Mar, marquis of Stirling, and earl of Alloa. He also brought assurances of speedy and powerful assistance from France.

The rebels might be considered at this moment at the summit of their fortune. Their success had arisen in a great measure from the unaccountable negligence of the government, which, while it discouraged the armed associations, had sent no sufficient troops for the defence of the country. In fact, but for the hearty zeal of the presbyterian population of the west and south, the jacobites would have met with little obstacle to their making themselves masters of the whole of Scotland. The lead in opposing them was taken by Glasgow and Ayrshire, where the nobility and gentry entered early into patriotic associations, and assembled in arms their friends and followers. At a rendezvous on the common of Irvine, on the 22nd of August, no less than six thousand men from the country round are said to have assembled, under the earls of Eglinton, Glasgow, and Kilmarnock, and other landlords; and the fine appearance of the five hundred men brought thither by the earl of Kilmarnock was particularly remarked, as well as the gallant bearing of his young son lord Boyd, who, though but a boy of eleven years of age, appeared mounted and in arms by his father's side. A review of the tenants of the duke of Douglas, the duchess of Hamilton, and others, from Clydesdale, took place on the moor of Lanark on the 8th of September, and other similar meetings were held in different parts about the same time. Still the regular troops in Scotland were so few, that it was not till some of the Scottish regiments were recalled from Ireland towards the end of August, that they could take the necessary step of forming a camp at Stirling to secure the important pass which, if in the possession of the rebels, would have laid the southern districts open to them and have placed the capital at their mercy.

Measures had been already taken to place under arrest such persons as were strongly suspected of disaffection but had not yet joined the rebellion, and among the persons who were in consequence committed to cus-

tody in the castle of Edinburgh, were Lockhart of Carnwath, the earls of Hume, Wigton, and Kinnoul, lord Dirkfurd (the eldest son of the earl of Seafield), and lord Findlater. On the 30th of August, the act of parliament for encouraging loyalty in parliament, by which tenants of jacobites were absolved from allegiance to their lords, was published, and immediately afterwards, summonses were issued to all the heads of jacobite clans and others suspected, as well as to those who were in arms, ordering them to appear in Edinburgh before a certain day to give bail for their good behaviour, and all who did not make their appearance at the time appointed, were proclaimed rebels. The greater part of them, however, were now in the rebels' camp, and encouraged by the slowness with which the government made their preparations, they looked forward with confidence to the assistance they expected from France, and to the effect to be produced by an insurrection which had been planned to take place at the same time in England.

The government, aware that there was a plot against the Hanoverian dynasty in England, were acting with a severity against persons suspected, which appears to have been partly the cause of a premature rising in the north. About the end of September, lord Derwentwater, informed that a warrant had been issued by the secretary of state for his apprehension, as well as for that of lord Widdrington, Mr. Forster, and other leading jacobites in the north, and that the messengers charged with its execution had reached Durham, immediately took refuge in the house of a friend who was a justice of the peace, and went thence to the house of one Richard Lambert, as being better calculated for concealment. Mr. Forster at the same time concealed himself in the house of Mr. Fenwick of Bywel, a well-known jacobite. A meeting of the jacobites of Northumberland was immediately convened in Fenwick's house, to consider what was best to be done, and they boldly resolved to take arms, and openly avow their sentiments. They accordingly agreed to assemble next morning, the 6th of October, at a place called Green Rig. There Mr. Forster and about twenty gentlemen met, and judging it not sufficiently secure, they proceeded thence to the summit of an adjoining hill, called Waterfalls, which commanded an extensive prospect of the country round. They were here joined by the earl

of Derwentwater, who came with a few friends, and all his servants, mounted upon excellent horses, and well armed, and in number about sixty. After deliberating some time, the whole party marched to a place called Plainfield, where they were joined by others. They proceeded thence to Rothbury, a small market-town, where they lay that night. Next morning, their number still increasing, they marched to Warkworth, where they were joined on the 8th by lord Widdrington with thirty horsemen. Upon Sunday morning, the 9th of October, Mr. Forster, now dignified with the title of general, sent Mr. Buxton, their chaplain, to Mr. Jon, the incumbent of the parish, with orders to pray for the prince, as king, and, in the Litany, for Mary, queen-mother, and all the dutiful branches of the royal family, and to omit the names of king George, and the prince and princess; but Jon made his escape to Newcastle, and Mr. Buxton took possession of his pulpit, and said prayers and preached. On Monday, they were joined by about forty horse from Scotland; and then Forster proceeded openly to proclaim the chevalier king of Great Britain, with sound of trumpet, and all formalities which the circumstances of their situation would allow. On Thursday, the 14th, they marched to Alnwick, where they were joined by more of their friends. On their march thence, they were joined by seventy gentlemen and horses from the borders, so that when they reached Morpeth, they were three hundred strong; all cavalry, for they would receive no foot, having no arms to equip them. Meanwhile the small castle of Holy Island had been surprised, and Forster anticipated the capture of Newcastle; but finding himself disappointed in this design, and the castle having been retaken by the king's troops, he returned westward, and entering Hexham, seized there all the horses, arms, &c., which he could find, and wrote to the earl of Mar for assistance.

Meanwhile the jacobites had not been inactive in the south of Scotland, where lord Kenmure, having received a commission to that effect from the earl of Mar, had raised men for the pretender, and made an attempt to surprise Dumfries. When, however, he and the earl of Carnwath approached that town on the morning of the 12th of October, they found that the inhabitants were so well prepared to receive them, that they gave up the

design and retired to Lochmaben, whence on the Friday following they marched to Ecclefechan, and from thence next day to Langholme, their number at that time being but a hundred and eighty. On the 16th they proceeded to Hawick, where they proclaimed the pretender.

When the earl of Mar received the message of the Northumbrian insurgents, he immediately sent six regiments to the coast of Fife, with orders to cross the Firth of Forth, and land in Lothian. They were escorted by a party of horse, commanded by sir John Erskine of Alva, who made several counter-marches to amuse the ships in the roads; and further, to prevent suspicion, Mar caused another body to march to Burntisland, where he assembled a fleet of transports, under the pretence of embarking. The admiral on the Leith station, informed of this movement, ordered the ships to man their boats, slip their cables, and set in for the town. The highlanders, pretending to be much afraid, re-landed, and, having raised a battery, planting some cannon on the extremity of the harbour, exchanged shots with the ships, though without any damage on either side. While some of them thus amused the ships, as if they would cross above Leith, their main body, consisting of two thousand five hundred men, commanded by brigadier Mackintosh of Borlam, came down to the shore during the night, embarked in open boats, and most of them reached in safety the southern shore. The rest of this detachment, about one thousand six hundred strong, landed by night at North Berwick, Aberlady, Gallon, and other places, and took up their quarters next night at Haddington. Next morning they prepared to march towards the borders, but suddenly changed their resolution and proceeded towards Edinburgh. The provost, in no little alarm, made the best arrangement he could for the defence of the city, and sent an express to the duke of Argyle for assistance. Argyle immediately dispatched two hundred foot (mounted on country horses), with three hundred cavalry, who arrived at the west port that night about ten o'clock. Brigadier Mackintosh meanwhile advanced as far as Jock's Lodge; but none coming from the city to join him, and informed that the duke of Argyle was approaching, he called a council, and it was resolved to go to Leith, which they entered without any resistance. After making themselves masters

of the guard, they opened the doors of the tolbooth, and rescued those that were taken when attempting to cross the Forth. Then entering the custom-house, they seized a considerable quantity of provisions and brandy, after which they took possession of the citadel, the ruins of an old fort raised in Cromwell's time, to guard the port of Leith. They also went on board the ships in the harbour, and seized several pieces of ordnance, with powder and ball; and they planted some cannon at all the ports and upon the ramparts, and barricaded the most accessible places with beams, carts filled with stones, earth, and other materials. On Saturday, the 15th, the duke of Argyle, with his three hundred cavalry, two hundred infantry, and about six hundred militia, marched towards the citadel, and, having posted the dragoons upon the north-east side, and the foot upon the south-east, proceeded to reconnoitre; but finding that the rebels could not be attacked without artillery, and having summoned them in vain to surrender, he returned to Edinburgh to prepare more effectual means for forcing their intrenchments. Mackintosh, seeing no appearance of aid from their friends in Edinburgh, and being informed of Argyle's intention to attack them with artillery that night, abandoned the place about nine o'clock, taking advantage of the ebb tide, and marched off by the head of the pier on the sands, eastward to Seaton-house, a residence of the earl of Wintoun, leaving behind about forty men who had made too free with the brandy they found in the custom-house, and some baggage and ammunition. Argyle now sent an express to Stirling for four gunners, two bombardiers, two pieces of cannon, and two mortars, in order to dislodge them; but Mar, informed of the danger of his friends, made a feint in order to withdraw the duke, giving out that he would pass the Forth at Stirling, or the bridge of Doune, and he began his march that same night. Lieutenant-general Whitham, who commanded in the duke's absence, having notice of this, sent three expresses to Edinburgh, notifying that the rebels, to the amount of ten thousand, were in full march from Perth to Stirling. According to the last of these expresses, their vanguard, and four thousand of their best men, were to be at Dumblane that night with Mar himself; and six thousand at Auchterarder. Argyle, deceived and alarmed by this intelligence, left a hundred cavalry

and a hundred and fifty infantry, under colonel Kerr and major-general Wightman, with the militia and volunteers, to protect the city of Edinburgh and carry on the siege of Seaton-house, and hastened back to Stirling with the rest.

Mackintosh had thus time to fortify Seaton-house, and he intrenched the avenues and fortified the gates, so that when lord Torpichan, with two hundred cavalry, and the earl of Rothes, with three hundred volunteers, marched from Edinburgh to attack him, they found the place so strongly fortified that they returned that night, after having exchanged some shots without damage on either side. On the 18th, Mackintosh received orders from the earl of Mar to march towards England, and, at the same time, an express came from Forster and the English insurgents, begging him to join them at Coldstream or Kelso. On Wednesday, the 19th, Mackintosh's highlanders arrived at Longformacus. Next day they reached Dunse, where he proclaimed the pretender; and, after collecting the money, set off for Kelso on Saturday, the 22nd. The English insurgents had hardly entered Hexham, on the 19th, when they received information that they were closely pursued by the king's troops under general Carpenter, upon which, leaving that town precipitately, Forster made a forced march the same night to Rothbury, where he effected a junction with lord Kenmure. Both marched next day to Wooler, where they rested during Friday, and, having received intelligence of the advance of the highlanders under Mackintosh, they set out on Saturday for Kelso, and having crossed the Tweed with some difficulty, as it was then flooded, they entered the town about one o'clock, soon after which the sound of the highland bagpipes announced the approach of the old brigadier and his troops. On Monday morning, the highlanders were drawn up in the churchyard, and marched thence to the market-place, where, with sound of trumpet, the pretender was proclaimed by Seaton of Barnes, who assumed the title of earl of Dunfermline. The earl of Mar's manifesto was then read, and they returned to their quarters, where they remained quiet till the 27th, on which day general Carpenter arrived at Wooler. Hearing of his approach, lord Kenmure called a council of war, at which the Northumberland gentlemen urged him to march into England. The earl of Wintoun, brigadier Mackintosh,

and others of the Scots, proposed to return to Scotland to join the western clans, attacking in their way Dumfries, Glasgow, and other places, and open a communication with the earl of Mar. The English opposed this; and it was next proposed to pass the Tweed and attack general Carpenter's troops, who were hardly a thousand men, and great part of them raw recruits. Unable, however, to come to any agreement, the rebel chiefs decamped from Kelso and proceeded to Jedburgh, where it was resolved to cross the mountains and enter England, and to give the slip to Carpenter. But the highlanders resisted, and began to mutiny, and no argument could prevail upon them to cross the borders. Their first resolution was then altered; and, on the 29th, the whole body marched for Hawick.

The highlanders, still supposing that the march for England was intended, separated themselves, and went to the top of a rising ground on Hawick muir, where they rested their arms, and declared their willingness to fight if brought to the enemy, but refused, upon any account, to go into England, adhering to the earl of Wintoun's plan, to go through the west of Scotland, join the clans there, and either cross the Forth above Stirling, or communicate with the earl of Mar, and fall upon Argyle's rear, while he attacked him in front. On this dispute, the horse surrounded the foot in order to compel them to march south, upon which the highlanders cocked their firelocks, and said, "if they were to be made a sacrifice, they would choose to have it done in their own country." After a consultation of two hours, the highlanders at last agreed to keep by the others while they remained in Scotland; but declared that upon the first motion of going to England, they would return. They all then continued their march to Hawick.

The magistrates of Dumfries, hearing of the junction of the rebels at Kelso, became again alarmed for the safety of their town, and adopted the best measures of defence in their power. On Sunday, the 30th of October, the highlanders marched from Hawick to Langholme, and at the same time general Carpenter entered Jedburgh. The former sent off from Langholme a detachment of four hundred cavalry, commanded by the earl of Carnwath, to surround Dumfries; where the signal of danger was given by beating of drums and ringing of bells. A curious instance occurred here





Engraved by S. Freeman

JOHN CAMPBELL, DUKE OF ARGYLL & GREENWICH.

OB. 1743.

FROM THE ORIGINAL OF KNELLER IN THE COLLECTION OF

THE HON^{BLE} GEORGE AGAR ELLIS.

of the divisions which then reigned among the presbyterians. Mr. Hepburn, with three hundred and twenty dissenters, being then at Kirkmahoe, three miles from Dumfries, baillie Gilchrist and the laird of Bargalie were sent to desire them to come in to the assistance of the town. Mr. Hepburn and his followers accordingly crossing the river came to Corbilly-hill, where they halted, and in answer to the expostulations of the provost, Mr. Hepburn put an unsigned paper into his hand, asserting that "they had not freedom in their consciences to fight in defence of the constitution of church and state as established since the sinful union," and containing the terms upon which they would agree to what was proposed; on which the provost returned to the town, leaving them where they were, and where they continued until the danger was over.

Two hundred men, with three pieces of cannon, were placed in the centre of the town; the ministers, with their people and surgeons at the posts assigned them, waiting the approach of the enemy. At four o'clock in the morning, the officers and other gentlemen (the night having been wet) inspected the arms to see that they were dry. An express arrived at five, P.M., from Roucand, announcing that the rebels were advanced to Torthorwald, and, by that time would be within three miles of the town, which, however, proved a false alarm. In fact, at the last moment, the rebel force had been turned from the enterprise against Dumfries by the expostulations of the English gentlemen, who pretended they had letters from Lancashire assuring them that upon their arrival a general insurrection would take place, and that they would be joined by twenty thousand men. The Scots were persuaded by these representations, and orders having been sent after the detachment sent to Ecclefechan, to join them at Longtown in Cumberland, they resolved upon marching into England. Many of the Scots, however, were highly displeased at this resolution, and the earl of Wintoun, with part of his troops, drew off, declaring they were taking the way to ruin themselves; but he was at last prevailed on to return. Others said they would rather surrender themselves prisoners than go forward to certain destruction. Upwards of four hundred left the army, intending to return home by Lockerby. Ten of them were taken at Bruryhill, by Robert Jardine and some country people, and carried to Dum-

fries. The rest passed in a body by Moffat; but finding they could not procure sufficient provision while they kept together, they dispersed at Airstone, some of them taking their way towards Douglas, others towards Lammington. The people of Lammington being apprised of their approach, and that they were already within their boundaries, sent expresses to the men of Crawfordjohn, Robertson, Westoun, Biggar, Skirling, Coulter, and Kilbocho, to assemble next morning at the bridge of Clyde, which they accordingly did; and after a diligent search found two hundred of them in the hills of Lammington, whom they sent prisoners to Lanark. The miners of Hopetoun took sixty more, who were likewise sent to Lanark, and from thence to Glasgow. The main body arrived at Brampton on the 1st of November, where Mr. Forster opened his commission from the earl of Mar to act as general in England.

On Wednesday, the 2nd of November, this body of rebels marched to Penrith. Twelve thousand men in arms, stationed on the road to oppose them, dispersed and fled in the utmost confusion on the first appearance of the highlanders, leaving a great number of arms and ammunition. Next day they marched from Penrith to Appleby, and at last reached Lancaster without opposition, proclaiming the chevalier, and collecting the public revenues as they passed.

The attention of the court having been called to the danger with which Scotland was threatened, the duke of Argyle, as a leader whose attachment to the house of Hanover was known, and who was at the same time popular in his own country, was early in September appointed general of his majesty's army there. He had received his final instructions at court on the 9th of September, and immediately departed for the north, followed thither by the duke of Roxburgh, the marquises of Annandale and Tweeddale, the earls of Selkirk, Loudon, Rothes, Haddington, Islay, and Forfar, the lords Torpichen and Belhaven, sir David Dalrymple (the king's advocate), sir William Johnstone of Westerhall, and others who were in London attending parliament. On his arrival at Edinburgh, on the 14th, Argyle lost no time in visiting the castle, and examining its garrison, fortifications, and magazines; and he sent stores of arms and ammunition to Glasgow and Stirling for the use of the inhabitants of those towns. On the 16th he repaired to the

camp at Stirling, accompanied by the duke of Roxburgh and the earl of Haddington. The whole army, including Carpenter's and Kerr's regiments, amounted then to little more than eighteen hundred men. He had already written a pressing letter to the magistrates of Glasgow, begging them to send five or six hundred men to augment his force at Glasgow, and he used all the means in his power to raise recruits in other parts. The English government persisted in their unwillingness to send any troops out of England; but in consequence of Argyle's pressing solicitations, they dispatched orders to some regiments in Ireland to proceed immediately to Scotland.

Argyle soon found that he had not miscalculated on the zeal of the people of Glasgow, who responded to his application by sending immediately about seven hundred able-bodied men, well armed and accoutred, with a captain, lieutenant, ensign, two sergeants, two corporals, and a drummer to each company, and six standards. They were under the command of the provost, and the last division of them arrived in the camp on the 19th of September. The duke wrote back a letter of thanks to the magistrates, adding, "At present I will not insist upon any greater number; but desire you will, with the greatest dispatch, inform all his majesty's friends in the west country that I think it absolutely necessary for his majesty's service that all the fencible men should draw together at Glasgow and be ready to march as I shall acquaint them his majesty's service requires."

Expresses were immediately sent to all the well-affected gentlemen in the west, and great numbers repaired to Glasgow, eager to assist in the defence of their country and constitution. Hamilton furnished seventy volunteers, under the command of John Muirhead, one of the magistrates; Strathaven, sixty, under the command of William Hamilton of Overton, and William Craig of Netherfield Dyke; and other towns proportionally. On the sabbath-day, the 18th of September, two gentlemen came to Stirling from Glasgow to represent the danger of the city, from the rapid approach of the enemy in considerable numbers, with the intention of surprising it before sufficient force could be mustered for its protection. This alarm so animated the people, that next day they assembled at sun-rise, and in presence of the earl of Kilmarnock cheerfully offered to march forthwith to Glasgow, and accord-

ingly two hundred and twenty men marched thither immediately, and on the Tuesday the earl of Kilmarnock came with one hundred and thirty more. They immediately entered upon duty, keeping watch night and day until Saturday, the 1st of October, when the earl of Kilmarnock received orders from the duke of Argyle, for the volunteers of the west country to march towards the highlands and garrison the houses of Drumkill, Gartartan, and Cardross, in order to protect the country against Rob Roy and the MacGregors. The house of Gartartan, which lay farthest in the highlands, was assigned to the volunteers of Kilmarnock; Cardross to the Kilwinning and Stevenston volunteers; and Drumkill to those of Ayr. They marched on Sunday, the 2nd of October, and for their mutual security the three garrisons went in a body, the earl of Kilmarnock, the master of Ross, with several gentlemen and half-pay officers, to the number of sixty, accompanying them as an escort. The first night they arrived at Drymen, where they found very bad entertainment, it being a disaffected and malignant place; and having information that six hundred of the MacGregors were lying within three miles, they were obliged to place strong guards and lay under arms all night. On Monday, they marched to Gartartan, the earl of Kilmarnock with twelve horses accompanying them, and having possessed themselves of the house, under the direction of captain Charles Stuart of Kirkwood and lieutenant Nelson of Carcaffie, two half-pay officers, the earl returned to Glasgow. This, though the most exposed of the three garrisons, on account of the slightness of the house and its vicinity to the MacGregors, was of great importance as protecting the only pass by which the enemy could penetrate into the west and south country, all the other passes and fordable places of the Forth between this and Stirling being guarded by order of the duke of Argyle. Moreover, the people of the neighbourhood, who were generally disaffected, showed their hostility by taking every advantage of them, exacting double rates for their provisions. The garrison, however, stood its ground until the 13th of October, when they were relieved by a party of the Stirlingshire militia, and returned to Glasgow. The zeal of Greenock was not inferior to that of Glasgow. That town had also received letters from the duke of Argyle, with orders

to raise their militia, and a request that such as were already in arms should speedily repair to the camp at Stirling. Next day, the 19th of September, the Greenock companies were assembled, and lady Greenock, in a spirited address, told them that "the protestant religion, their laws and liberties, lives, and all that was dear to them as men and christians, as well as his majesty king George and the protestant succession, were all in hazard by that unnatural rebellion." Animated by this lady's address, eighty-four of the men immediately volunteered to serve the government for forty days, and next day they embarked for Glasgow, where they were joined by eight more from Carsedyke. On the 27th they marched to Kilsyth, and, on the 29th, to Stirling, where they were reviewed by general Wightman, and afterwards were ordered to Touch. On the 3rd of October they entered the castle of Touch, and on the 5th they were reviewed by the duke of Argyle, and continued there until the 12th of November, when they were ordered to Stirling to join the army which was marching to Dumblane; at which time, fifty of them, under the command of captain John Spire, marched to Alloa to bring over to the south side of the Forth all the boats they could find to prevent the enemy crossing there; but finding only one, they destroyed it and returned the same way to Stirling. Thirty more of sir John Shaw's men marched from Greenock to Edinburgh, on the 2nd of November, to guard some arms to Glasgow; after which they marched to Stirling and joined the rest of the Greenock men there on the 13th. The men that remained at home in Greenock and Carsedyke were meanwhile employed in guarding their respective towns, sending detachments to seize and secure suspected persons, to prevent their going to the earl of Mar, and in bringing over boats to the south side of the Clyde, to prevent the enemy, especially Rob Roy and his men, from crossing the river.

The duke of Argyle was indefatigable in his exertions to organise the king's forces, and to put them in a condition to face the enemy. We have already seen the success of his application to Glasgow. He also wrote to the town of Dumfries, and the rest of the well-affected burghs, as well as to the well-affected gentry. The following letter was written to Mr. Ferguson of Craigdarroch, in the middle of September:—"Edinburgh, 16th September, 1715. Sir,—Since

my arrival here, having received certain information that the disaffected highlanders, and the king's other enemies, are assembled in a considerable body, and, in a rebellious manner, threaten the government, I have not thought it safe to trust entirely to the number of troops that are at present in this country, and therefore have called for the assistance of the well-affected boroughs first, judging they might more easily come out than the country, because of the harvest. Your lord-lieutenant not being yet come down to give orders for drawing out such other of the well-affected people as should be thought necessary, and I being convinced of your zeal and good inclinations to serve our king and country, and looking upon you as my particular friend, I apply to you on this occasion, and desire you would forthwith come to Stirling with what number of well-armed men you can get together, to join the king's regular forces. This will be of infinite service to his majesty, and will not fail to be acknowledged as such. Since the king's armies are gathering together, it will be highly for his majesty's service, that all the well-affected men in your country, that are armed, should hold themselves in readiness to march, and even to begin to assemble. Though your number of men be not, at first, to your wish, yet you may march what you can get together, and they may still be increasing, as the necessity of affairs requires.—I am, sir, your most faithful and obedient servant, ARGYLE." Craigdarroch immediately communicated this letter to the gentlemen and people, and collected what men he could for his majesty's service. On the 22nd of September, sixty men from the parishes of Glencairn and Temror, marched to Keir Moss, under the command of John Gibson of Auchenchain, where the people of the neighbouring parishes were assembled, all completely equipped, and sir Thomas Kirkpatrick of Closeburn, in an animated speech, promised to such of them as were his own tenants, to defray the expense of their going and coming, and give each of them eightpence a day, while they were encamped at Stirling. The provost of Dumfries, attended by two of the bailies, acquainted Craigdarroch that they were raising a hundred men to join the duke of Argyle; but they soon after received intelligence of the motions of the disaffected gentlemen in their own country, which, fortunately, as we have seen, led them to keep their men at home.

Next day Craigdarroch and his men marched to Stirling, where they remained eight weeks, doing duty as the regular troops in the castle, according to the general's orders. The duke of Douglas had raised three hundred men, and on the 27th, one hundred marched to Stirling, and arrived on the evening of the same day at Carluke. The other divisions would have arrived on the two following days; but, in consequence of the scarcity of provisions at Stirling, the duke of Argyle ordered them to canton on the north side of the Clyde, till farther orders.

In many cases, the friends of government made up by their activity from their want of actual force, and the attempts at insurrection were defeated in several places before they had come to any serious head. Such was the case at Kinross, where a party were proceeding to proclaim the pretender, when they were suddenly attacked by the earl of Rothes, at the head of a detachment of Scots greys, who dispersed them, and took their leader, sir Thomas Bruce, and carried him prisoner to Stirling. A plot had been formed in Edinburgh to seize the town guard, and attempt to gain possession of the city, and two hundred jacobites were to assemble in arms on a given day to carry this project into execution. But it was prevented by the vigilance of the earl of Islay, who seized the principal ringleaders at the place of rendezvous before the rest of the conspirators had assembled. The earl then proceeded to Argyleshire, to assemble the vassals of his brother the duke, secure the town of Inverness, and prevent an insurrection in the western highlands. Affairs were everywhere, indeed, in a very critical position, for the weakness shown by the government had encouraged many, who had till now acted with caution, to declare openly for the pretender. Even the clan Mackintosh, which had hitherto supported the protestant government, was persuaded by Mackintosh of Borlam to change sides, and, on the 5th of October, the laird of Borlam, who was uncle to the laird of Mackintosh, and was commonly known as brigadier Mackintosh, joined the earl of Mar, with five hundred of his nephew's highlanders. The brigadier had served abroad, and bore the character of a brave and experienced officer; and his followers were the finest and best troops in the rebel army. Several other circumstances raised the spirits of the rebels at this time. Information having been given

to the earl of Mar that a quantity of arms had been delivered out of the castle of Edinburgh, and shipped at Leith for the use of the earl of Sutherland, who was preparing to raise his followers at Dunrobin, in his rear, he resolved to make an attempt to seize them. Fortunately for his design, it happened that the wind blew north-east, causing what is usually termed a foul sea in the offing of Leith; and the master of the vessel that carried the arms, which belonged to some merchants in Burntisland, at that time on the weather-shore, weighed his anchor and stood over to the shore of Fife, near that town. The earl of Mar, apprised of the situation of the vessel, dispatched five hundred cavalry, each with a foot soldier behind. They arrived at Burntisland in the middle of the night, and the foot soldiers having dismounted, entered the town, and seized all the boats in the harbour, to prevent all communication betwixt the shore and the vessel, while the cavalry surrounded the town to prevent the inhabitants from giving alarm. The officer in command next sent out about a hundred and twenty of his men in the boats to the ship, which they boarded without any opposition. They attempted to bring her into the harbour, but finding that the tide was not suitable, they filled their boats with her stores, landed them, and sent them immediately to Perth. The duke of Argyle had no intelligence of this affair till the following day, when it was too late to attempt the recapture of the stores. Moreover, the earl of Mar had caused a report to be circulated, that he intended to protect them with six thousand men, to be sent round by Alloa, and the duke did not think it prudent to hazard any part of his army against so great a force.

Argyle had, on the 16th of September, sent orders to colonel Campbell of Finch, who had the command of an independent company, to repair to Inverary, and assemble the Argyleshire militia, in order to prevent the disaffected clans from rising or joining the earl of Mar. But before any progress could be made in raising the militia, the lairds of Glengarry and Glenmorriston came to Ahahallider, in the braes of Glenorchy, with about five hundred men, to raise the shire for the chevalier, and they arranged that the whole of the clans should join Glengarry, and having seized Inverary, march to the plains of Buchanan and form a junction with the earl of Mar by the 1st of October. Argyle's orders reached his

friends in time to enable them to get sufficient force together to hold Glengarry in check. Meanwhile, colonel Campbell deemed it best to divide and divert the clans in Argyleshire until the troops expected from Ireland had joined those at Stirling; a determination in which he was confirmed by the advice he received from the duke "to use his utmost efforts with Lochiel, or any other of the clans or their friends, to influence them to remain dutiful in their allegiance to his majesty's service, allowing him, in his name, as having power from his majesty, to offer them, in that event, safety and protection." Soon after, he received a message from sir Duncan Campbell of Lochnell, Cameron of Lochiel, Stuart of Appin, and other chiefs of the clans, promising, that if he would procure them the duke's friendship, they would march their clans to Inverary to join the king's troops, and they themselves would go to Stirling to wait on his grace. Colonel Campbell communicated to them the assurances his grace had empowered him to give them, and informed Glengarry that he would, upon his return, receive his majesty's pardon. Lochnell, Lochiel, and Stuart of Appin, informed the colonel that they had agreed to meet at the Sui to proceed to Stirling, and that Lochiel was to wait upon the earl of Breadalbane, his lordship having professed his attachment to the government. About the end of September, the colonel received another message from Lochnell and Appin, informing him that Lochiel had missed the earl of Breadalbane at his own house, and had gone to Logarret to wait on him, where he was with the earl of Mar, and that deeming this a breach of their agreement, they had resolved to go to Stirling without him. Next day, however, Lochnell came to Inverary and told the colonel that Appin appearing inactive, he thought it his duty not to wait upon him. The colonel endeavoured to persuade him to wait Lochiel's return, and to make them abide by their first resolution; but finding them determined to join the earl of Mar, he went alone to Stirling. About the 6th of October, the earl of Islay was sent, as before stated, to command the loyalists of Argyleshire. At the same time, MacDonald of Clanronald, with seven hundred men, came to Strathfillan, where Glengarry was posted with three hundred of the MacGregors and Glencoe men. The clan of the MacGregors had, in the end of September, broke out in rebellion under the

command of Gregor MacGregor of Glengyle, nephew to the celebrated Rob Roy, and having made themselves masters of the boats on the water of Enrick and Lochlomond, made an unexpected incursion on their neighbours in Buchanan, and the Monteiths, and possessed themselves of Lochmurrin. About midnight, they landed from the loch at Bonhill, where they did considerable damage. Soon after this they went to Mar's camp; but in a few days they returned to Craigroyston. It was resolved by his majesty's friends to retake the boats from them, and three long boats and four pinnaces were armed and manned from the ships lying in the Clyde, and, being joined by three large boats belonging to that place, were drawn up the river Leven by horses to the mouth of the loch, having on board a hundred of the Paisley volunteers. At night the Dumbarton men arrived at Luss, where they were joined by sir Humphry Colquhoun of Luss, and his son-in-law, James Grant of Pluscardin, followed by fifty strong fellows in their short hose and belted plaids, armed each with a gun on his shoulder, a target with a sharp-pointed steel on his left arm, a sturdy claymore by his side, and two pistols with a dirk and knife in his belt. Here they remained all night, and in the morning marched to Innersnaat, where those who were in the boats leaped ashore, and marched to the top of the mountains, accompanied with martial music. No enemy appearing, they went in quest of the boats taken by the MacGregors, which they found drawn up on the land. They carried off those which were not damaged, and destroyed the rest. The MacGregors had fled to Strathfillan, where they were joined by two hundred and fifty men, under Stuart of Appin, by sir John M'Lean with four hundred, by M'Dougal of Lorn with fifty, and by a party of Breadalbanes, amounting together (including those of Glengarry) to two thousand four hundred men. On the 17th they began their march towards Inverary, and came before it on the 19th. From the time of lord Islay's arrival, all possible means were used to bring in the duke's men; but sir Duncan Campbell's men, sir James Campbell of Auchenbreck, the men of Islay, and others, were prevented, by the sudden arrival of the rebels, from joining those in Inverary, who amounted to not more than a thousand men. The rebels, having viewed the town, encamped within

half a mile of it. The same night, two of Lochnell's servants, mistaking them for the loyalists, fell into their hands, but were liberated on promising to deliver a letter to his master. Sir Duncan gave the letter to lord Islay. It expressed a desire to communicate with sir Duncan, and any four or five, next morning without the town. In order to protract the time, the earl caused it to be notified to them that they would meet with Clanronald and Glengarry next morning. They met on a rising ground between the camp and the town, when the rebels told them "they had orders from the earl of Mar to oblige them to return home to their houses, which if they agreed to, they were ready to give them assurances that the shire should remain quiet." To which colonel Campbell and sir Duncan replied that, "they received no orders from the earl of Mar, and would stay together, or go home, as they thought fit." The conversation continued in this manner for an hour, when Glengarry proposed that neither party should plunder nor force any persons to join. Colonel Campbell told them, that no person should have the honour to carry arms for the king along with them but those who willingly offered their service, and that they had no power to treat or conclude. Next day they received a letter, stating, "that as his lordship had no power, either from the king or from his brother, to that purpose, he could neither conclude, nor so much as treat with any person in arms against the government." The day after receiving this letter the rebels broke up their camp and marched towards Strathfillan. The earl of Islay sent eight hundred men, under colonel Campbell, to harass them in their march, and the first day the colonel received information of seven hundred of the earl of Breadalbane's men in Lorn; and, having marched all night, came up with them next morning at Glenscheluch. The men on both sides threw away their plaids, and waited the signal to engage. A parley was, however, proposed at this critical moment, and a conference was held by the chiefs, the result of which was, that the Breadalbanes agreed to lay down their arms on condition of being allowed to march out of the country unmolested.

Early in October, the earl of Mar adopted a plan of operations which, if effectively carried out, would have placed the duke of Argyle in a most critical position. This

was, to transport a body of troops across the Forth to unite with the jacobites in Edinburgh and the Lothians, while he sent a commission to lord Kenmure to raise the friends of the pretender in the southern counties. The two bodies were to unite and attack Argyle in the rear, while he advanced. This plan was partly defeated through the want of union among the jacobite leaders to the south of the Forth, many of the most influential of whom were unwilling to rise at all until the chevalier appeared in person in Scotland. Brigadier Mackintosh of Borlam was chosen to command the expedition across the Forth, for which purpose he had his own five hundred highlanders, with the regiments of Mar, Strathmore, Nairne, Drummond, and lord Charles Murray, amounting in all to about two thousand five hundred men. We have already seen how, in spite of the precautions taken by Argyle's order to intercept them, the greater portion of these troops, amounting to about sixteen hundred men, reached the southern coast of the firth in safety, and after rendezvousing at Haddington, marched first to Edinburgh, and then, finding no encouragement there, established themselves at Leith. We have also traced the proceedings of brigadier Mackintosh until his junction with lord Kenmure and the English insurgents. After some delay, caused by the unwillingness of the highlanders to cross the border, this little army of insurgents marched to Bampton, in Cumberland, where general Forster opened his commission from the earl of Mar, which appointed him commander of the army in England. From this time, an allowance of sixpence a day was given to the highlanders, to keep them in good humour; but they continued their march with reluctance, and were much dispirited at the little sympathy their cause seemed to excite. They rested at Penrith and at Appleby, but still nobody joined them, and before they reached Kirby-Lonsdale the English troops began to desert. On their way to Lancaster, they received better news, for a brother of lord Widdrington came to assure them that the pretender had been proclaimed at Manchester, and that the gentry of the country were in general favourable to them, and ready to give them assistance. The highlanders gave three cheers at this intelligence, and showed more readiness to march forward. After resting two days at Lancaster, where they seized some arms that were in the

custom-house and some liquors, appropriated the public revenues and some other money, and obtained six pieces of cannon, they left that town on the 9th of November, and continued their march to Preston, whence they intended to advance to Warrington-bridge and Manchester, where they were informed that numbers waited to join them. They remained two days in Preston, undecided, it would appear, whether to proceed to Manchester or first to make themselves masters of Liverpool, but, as the delay had been taken advantage of to put that town in a sufficient posture of defence, general Forster gave orders for the whole army to commence its march towards Manchester on the 11th. This, however, was prevented by the unexpected intelligence that general Wills, with the troops of Cheshire, was advancing from Wigan to attack them, for they were so entirely without information, that they were quite ignorant that the king's troops under Carpenter and Wills had been drawing round them to hem them in. The incapacity of the rebel leaders was now shown in the neglect of most of the local advantages which might have assisted them materially in their defence. A hundred of Mackintosh's highlanders, under lieutenant-colonel Farquharson of Inverkale, had been stationed at the bridge over the Ribble, by which the enemy must have approached the town, but he was ordered back on the intelligence of Wills' approach, and general Forster withdrew the whole army into the town, and caused the streets to be barricaded. Two cannons were placed in each street, and the soldiers were posted in the houses from which they could fire upon the assailants without being much exposed themselves. The gentlemen volunteers, commanded by the earl of Derwentwater, viscount Kenmure, and the earls of Wintoun and Nithsdale, were placed in the churchyard. A barrier was formed immediately below the church, which was placed under the command of brigadier Mackintosh, who had the gentlemen in the churchyard to support him. A second barrier, commanded by lord Charles Murray, was formed at the end of a lane leading into the fields; a third, under colonel Mackintosh, near a windmill at another outlet of the town; and a fourth was placed in the street leading to Liverpool. Thus the four entrances to the town were sufficiently defended.

When general Wills, cautiously approaching the town, found that the rebels had

neither secured the bridge, nor taken advantage of the hedges and lanes round it, which might easily have been turned into formidable defences, he at first suspected a stratagem, and then imagined that they must have effected their retreat towards Scotland. But when he understood the real state of things, he took possession of the strong posts which they had neglected, and distributed his army in such a manner, that he could at will either attack the town, or defeat any attempt of the rebels to leave it. After reconnoitring, however, he determined to assail the rebels at once. The Cameronian regiment, under lord Forrester, with two hundred and fifty dismounted dragoons, and Honeywood's regiment, to support it, were directed, under the command of brigadier-general Honeywood himself, to attack the barrier below the church. After an unsuccessful attempt in front, the Cameronians entered the street leading to Wigan, in the hope of turning this barricade, but they found that it faced in that direction also. Lord Forrester drew up his men in the street, and opened a heavy fire of musketry on the barricade, which did considerable execution, but his own troops were exposed so much to the fire of the enemy from the houses, that he was compelled to desist, though he secured possession of two large houses, one of which overlooked the whole town. A desperate attack was at the same time made on the barrier entrusted to lord Charles Murray, but the king's troops, after being twice beaten back and suffering considerable loss, were withdrawn. An attack upon the windmill battery was no more successful. The king's troops remained quiet during the night, with the exception of the Cameronians in the two houses, who kept up a constant fire upon all whom they saw moving in the streets, who were easily distinguished from the circumstance that Wills ordered the suburbs occupied by his troops to be all illuminated. Before daybreak, he had fortified his own position, and planned two simultaneous attacks, which were to support each other. The rebel army in Preston, being much more numerous than its assailants, might still, by a desperate effort, have forced its way through them, and have effected its retreat; but all hope of escape was at an end, when, about noon next day, which was Sunday, the 13th of November, general Carpenter arrived, with the regiments of Cobham, Molesworth, and Chur-

chill, and a considerable number of country gentlemen, among whom were the earl of Carlisle, lord Lumley, colonel Darcy, and others. General Wills explained to him his dispositions, and then offered to resign the command, as he was his superior officer. But Carpenter approved of what had been done, and refused to assume the command, telling Wills, "he had begun the affair so well, that he ought to have the glory of finishing it." However, having viewed the post, and the situation of the enemy, and finding the principal part of the troops posted on one side of the town, and crowded in such a narrow position that only three or four could be brought up at once, general Carpenter recommended a distribution of the force, and suggested that troops should be posted at the end of Fishergate-street, which had hitherto been open, and by which many of the rebels had escaped. At the upper end of this street (which leads to a marsh or meadow, running down to that part of the river Ribble where there are two excellent fords, in the direct road to Liverpool) there was another barricade, with two pieces of cannon; but no attack could be made, because of the small number of the king's forces. Here general Carpenter ordered colonel Pitt to post his two squadrons of horse, in order to prevent any more from escaping. The consequence of this was, that six or seven of the rebels, in despair, endeavouring to force their way and escape, fell in among Pitt's regiment, and were all cut to pieces.

The rebels being thus invested on all sides, and perceiving their hopeless condition, began to deliberate upon what was most expedient to be done. The highlanders proposed to sally out upon the king's forces, and force their way through, or perish sword in hand; but they were overruled. General Forster, prevailed upon by lord Widdrington, colonel Oxburgh (who in reality directed all his operations) and others, resolved to capitulate, flattering himself that they should obtain honourable terms. Accordingly, about two in the afternoon, colonel Oxburgh was dispatched to treat of a surrender; while the soldiers in the garrison were informed, that general Wills had offered honourable terms to them, provided they would lay down their arms and submit. The only answer colonel Oxburgh could obtain was, "that the rebels could expect no other terms than to lay down their arms and surrender at dis-

cretion." He still urged for better terms; but general Wills told him "that they must submit to the king's mercy, that no other terms could be made with them, and that if they laid down their arms and submitted prisoners at discretion, he would prevent the soldiers from cutting them to pieces till he had further orders; and that he would give them only one hour to consider of it." Oxburgh returned to Forster with this reply, and before the hour was elapsed, captain Dalzel was sent out to general Wills, to desire terms for the Scots. He received an answer similar to the above, but requested further time for consideration. About three o'clock in the afternoon, general Wills sent lieutenant-colonel Cotton, his aide-de-camp, into the town to receive their final answer. General Forster told him, that owing to disputes between the Scots and English, they wished for a cessation of arms till next morning, when, he hoped, they would be enabled to give a satisfactory answer. Wills acceded to this request, on the condition that no new intrenchments should be formed, nor any suffered to make their escape; and that they would send out a Scottish and English officer of rank, as hostages for the performance. The earl of Derwentwater and brigadier Mackintosh were accordingly sent as hostages. When the highlanders were told of capitulating, they became furious, declared they would sooner die fighting, nor could they, for some time, be pacified. Confusion prevailed everywhere: the soldiers threatening and assaulting each other for mentioning a surrender; so that, in these affrays, one was killed and several wounded. Many exclaimed loudly against general Forster, and threatened him, and he had a narrow escape in his own chamber, where a Mr. Murray discharged a pistol at him, but Mr. Patten turned the pistol aside. Next day Forster informed Wills, that they would surrender themselves "prisoners at discretion," as he had demanded. Brigadier Mackintosh, who was standing by when the message was brought, said, "he could not bid them expect the Scots would surrender in that manner; the Scots were people of desperate fortunes: he had been a soldier himself, and knew what it was to be a prisoner at discretion." To which Wills replied, "Go back to your people again—I will attack the town; the consequence will be, that not a man of you will be spared." Mackintosh accordingly returned into the town, but came running out immediately,

saying, "the lord Kenmure and the rest of the noblemen, with his brother, would surrender on terms such as the English had accepted." The rebels having thus submitted to the mercy of the king, colonel Cotton was sent to take possession of the town, and to disarm them. The generals entered the town at the head of the troops, which came in at the end next Lancaster; while brigadier Honeywood, with the remaining troops, entered at the opposite end of the town, with drums beating and colours flying. Both divisions met at the marketplace, where the highlanders were drawn up under arms. The noblemen, gentlemen, and officers were first secured, and placed under a guard in separate rooms in the inns. The highlanders then laid down their arms, and retired into the church, under a strong guard. All being secured, general Carpenter sent off his troops to Wigan, that they might refresh themselves two or three days, and, on the 15th, left Preston himself, with the earl of Carlisle, lord Lumley, colonel Darcy, &c., Wills remaining to take charge of the prisoners.

So many of the rebels had escaped, that, although when the town was invested their number amounted to not less than four thousand men, the number of prisoners taken was only one thousand four hundred and ninety-seven, of whom four hundred and seventy-nine only were Englishmen. There was, however, among these a great proportion of noblemen and gentlemen, the chief of whom were, of the English, the earl of Derwentwater and his brothers, lord Widdrington and two brothers, Edward Howard, brother to the duke of Norfolk, general Forster, and sixty-two gentlemen of family; and of the Scots, there were the earls of Nithsdale, Carnwath, and Wigtoun, viscount Kenmure, lord Nairn and the master of Nairn, the duke of Hamilton's nephew Basil Hamilton, and James Dalziel, uncle to the earl of Carnwath, with nearly a hundred and forty gentlemen of good family. The loss of the rebels in defending the town against the attacks of the king's troops was very small, amounting only to seventeen killed and twenty-five wounded; that of the assailants was more severe, as it was reckoned by themselves at fifty-six killed and ninety wounded. Some of the common soldiers were executed as examples, and the rest were mostly sold to the plantations. The noblemen and some others were sent to London for trial.

On the same day which witnessed the capture of the rebel force at Preston, the main body of the insurgents under the earl of Mar received a check in Scotland which had a decisive influence on the fate of their attempt. On Mar's return from the demonstration he had made to cover the advance of the division under brigadier Mackintosh, he established his quarters for a few days at Auchterarder, but afterwards resumed his head-quarters at Perth. There he resolved to remain until the return of messengers he had sent to the pretender, and with this design he began to fortify the town and the bridge over the Earn. In the meantime he proceeded to levy contributions on the country which was in his power, or within his reach, and demanded an assessment of twenty shillings sterling on those who joined the pretender's party, and double that amount on those who refused. This tax was collected over parts of the shires of Fife, Clackmannan, Kinross, and Perth. As a party of two hundred horse and a hundred foot, employed in the service of collecting this money, passed Castle Campbell on Sunday, the 23rd of October, they were overtaken early in the morning by a detachment of the king's dragoons under colonel Cathcart, who killed and wounded several, and carried seventeen of their prisoners to Stirling. At the same time the duke of Argyre published an order forbidding the king's subjects to pay any cess to the rebels on pain of high treason, which was met by a counter-proclamation from the earl of Mar denouncing the same penalty against any person enlisting in the service of the "elector of Brunswick."

Argyre was still, in spite of his utmost exertions, at the head of a very small force, and so straightened for provisions, that on the arrival of the regiments from Ireland, he was obliged to direct them to remain at Glasgow. Encouraged by his knowledge of the duke's weakness, and finding that from the exhausted state of the country it would soon be difficult to keep his army together at Perth, the earl of Mar resolved to march south; but, though he now possessed an effective force of twelve thousand men, well armed and provided, he prepared, instead of boldly attacking his enemy, to avoid him by a stratagem. He proposed, by three false attacks, with a thousand men each, on three points at the same time—namely, the end of the long causeway leading to Stirling-bridge, the Abbey Ford, a

mile below, and Drip-Coble, a mile and a-half above the bridge, to keep the duke's attention occupied while he passed the river with his main army at the fords higher up; and this latter movement having been effected, the three thousand men employed in the false attacks were to be withdrawn, and to follow him across the fords. But Argyle, who had perfect intelligence of his proceedings, resolved to anticipate him by advancing with his whole army, which amounted to not much more than three thousand men, to the rising ground above Dunblane, keeping the road to Perth, along which the rebels must march, on his left. Having, therefore, called in the troops which were lying at Glasgow, Kilsyth, and Falkirk, and leaving the earl of Buchan with the Glasgow regiment and the militia of the county to protect Stirling, Argyle began his march on Friday, the 11th of November, and encamped on the rising ground between Dunblane and the Sherriff-muir.

On the previous day, Mar, having left colonel Balfour with a garrison in Perth, had marched to Auchterarder, where he reviewed his troops, which amounted, according to his own account, to five thousand foot and two thousand three hundred horse. They were joined there by the clans under general Gordon, consisting of three thousand foot and some hundred horse; making in all an army of between ten and eleven thousand men. Having rested here during the 11th of October, Mar began his further movement on the 12th by sending general Gordon and brigadier Ogilvy forward to seize upon Dunblane, with eight squadrons of horse and all the clans, while he went himself to Drummond castle to meet lord Breadalbane. He left general Hamilton in command, who was to parade the army very early in the day on the muir of Tullibardine, and afterwards march after general Gordon. On his march, general Hamilton received information that a detachment of the king's troops were in possession of Dunblane, and he sent a hasty dispatch to the earl of Mar to this effect. Soon after, Hamilton received a message from general Gordon, who was then about two miles to the westward of Ardoch, and who had received intelligence that the king's troops were in Dunblane in considerable force. Upon this general Hamilton drew up the army at the Roman camp near Auchterarder, where the earl of

Mar soon afterwards arrived; but, having no further intelligence from general Gordon, he assumed that it was nothing more than an attempt by a small party of the enemy to disturb his march, and sent his men to their quarters, with orders to be ready to assemble on the parade at any time of the night or day when they should be summoned by the firing of three cannons. The men had hardly reached their quarters, when Mar received certain intelligence from general Gordon that the duke of Argyle was at Dunblane with his whole army. Mar immediately sent orders to Gordon to halt until he came up with him, and, on the firing of the three guns, the rebel army assembled under their colours with the greatest alacrity, and marched up to Gordon, who was at Kinbuck, where the whole rebel army lay under arms during the night. Early next day, which was Sunday, the 13th of March, Mar formed his army in order of battle on the muir fronting Dunblane, to the left of the road leading to that town. They formed in two lines, the extreme right of the first line composed of the Stirling squadron of horse, to whose care the standard of the pretender was entrusted, and of two squadrons of the marquis of Huntley's regiment. The Perth and Fife squadrons of horse occupied the left of this line. The centre was composed of the foot, the clans occupying the right, and the lowland troops the left. The second line was formed in a similar manner, the centre consisting of three battalions of the marquis of Seaforth's foot, two battalions of Huntley's, the earl of Panmure's, the marquis of Tullibardine's, two battalions of the Drummonds under viscount Strathallan and Logie Almond, and the battalion of Strowan; flanked on the right by the earl Marischal's squadron of horse, and on the left by the Angus horse. As soon as the army was thus formed, Mar held a council of war in front of the horse to the left, and it was resolved to give battle without delay.

Meanwhile the duke of Argyle had been apprised on the previous night of the approach of the enemy, and having immediately drawn up his own army in order of battle, with his left leaning on Dunblane, and his right on the Sherriff-muir, where it was completely protected by the boggy character of the ground, they also lay under arms during the night. The duke himself occupied a sheepcot under the hill to the right of the army, where he sat all night

upon some straw. At midnight he ordered thirty rounds of ammunition to be served out to each soldier. Early in the morning of the 13th, the duke, having ordered his men to stand to their arms in the same order they had passed the night, rode forward accompanied by general Wightman to a rising ground from whence he could observe the enemy, for the ground was so uneven, that, although the distance between the two armies was less than two miles, they were concealed from each other's view. Mar, after the chiefs had come to the decision of giving battle, put his army in motion, and it became evident that he intended to attack the left of the duke, who immediately rode back to make his dispositions accordingly. On the preceding day, the nature of the ground protected Argyle's flank on this side, but a hard frost during the night had made the muir passable. The duke, therefore, was obliged to change his order of battle. His first line consisted of six battalions of foot, covered on the right and left by three squadrons of dragoons, and the second composed of two battalions in the centre, with a squadron of horse on the right and another on the left, and one squadron of dragoons behind each wing of horse in the first line. As he was thus stretching out his army to the right, the duke came upon the rebels' left, which was thrown into some confusion by the nature of the ground over which it had marched, and he gave orders to charge them with horse and foot, which were executed with such impetuosity, that, after a short but vigorous resistance, they were broken and driven from the field in great confusion, though they attempted to rally several times, the duke and general Wightman, with five squadrons of dragoons, the squadron of volunteers, and five squadrons of foot, pursuing them to the river Allan, a distance of about two miles. Meanwhile the fortunes of the battle had been reversed on Argyle's left. The earl of Mar had placed himself at the head of the clans on his own right, and leading them against the enemy, they threw themselves upon the royal troops with the yells and impetuosity characteristic of highland fighting, and in less than a quarter of an hour the whole of Argyle's left was thrown into irremediable confusion, and the fugitives never stopped till they reached Stirling, accompanied by their commander, general Whetham, who believed that all was lost. The rebels pursued them for half

an hour, and were so intent on the slaughter, that they only desisted on receiving intelligence of the fate of their own left. General Wightman, with the five squadrons of foot who followed the duke of Argyle in pursuit of the left wing of the rebels, received the first intelligence of Mar's success, and immediately slackened his own march, drawing up his men in the best manner to resist an attack, while he sent a messenger forward to urge the duke to withdraw his horse and rejoin him without delay. Argyle immediately returned, and, though in the utmost consternation to find a victorious army of more than three times his own number in his rear, faced about and marched resolutely toward the hill of Kippendavie, the top of which was occupied by about four thousand of the enemy. But Mar and his officers wanted the skill to improve the advantage they had gained, and they remained quietly at the top of the hill, while the duke passed the bridge of Dunblane and took up a strong position at the foot of the hill without interruption. During the night, the earl of Mar, though he published boastful accounts of his complete victory, withdrew his army, and retired first to Ardoch, and thence to Perth, giving out that he was forced to this retrograde motion by the want of provisions. It was observed that the celebrated Rob Roy, who had joined the rebel army with the MacGregors, held aloof during the battle, and refused to take any part in it, influenced it is supposed by his personal obligations to the duke of Argyle.

Argyle's troops had suffered considerably in this engagement, and as he was not in a condition to pursue the enemy to Perth, he returned the day after the battle to Stirling, carrying with him his own wounded, and a considerable number of prisoners, among whom was viscount Strathallan, with several gentlemen of rank. He could show in proof of his claim to the victory fourteen of the enemy's colours, among which was *their* royal standard, six of their cannons, and four of their waggons. The account of the loss of the rebels in killed and wounded which seems nearest to the truth, makes it about six hundred, but it included among the dead the earl of Strathmore, the laird of Clanronald, and several other persons of distinction, and among the wounded were the earl of Panmure, Drummond of Logie, colonel Maclean, and some others. The loss of the king's troops appears to have

been very nearly the same in number as that of the rebels; colonel Hammers and captain Armstrong, the duke's aide-de-camp, were the only persons of much account slain in the battle, but the lord Forfar received so many wounds, that he died within three weeks after it. The earl of Hay was also severely wounded, but he recovered; and the same was the case with general Evans, colonel Hawley, and Charles Cockburn, the son of the lord justice-clerk. Mar, on his arrival at Perth, caused the town to be illuminated and the bells rung to celebrate his victory, and ordered thanksgiving sermons to be preached; and Fairbairne, who had held the office of king's printer at Edinburgh, but who had deserted to the pretender, was employed, still under the same title, to print exaggerated accounts of the successes of the rebels and the flourishing state of their affairs.

In the north the rising had not been so general as might be expected, and the jacobites were often anticipated by the activity of the friends of the Hanoverian succession. Thus, at the beginning of the insurrection, the Monroes, the Sutherland men, the Grants, the Rosses of East Ross, the Reays, and others, had taken up arms for the government, while others hesitated between the two parties. The clan of the Mackintoshes, as we have stated before, were seduced from their allegiance by brigadier Mackintosh of Borlam, who, in the middle of September, surprised the town of Inverness. Having proclaimed the pretender, he left a garrison in it under Mackenzie of Coule, and marched south with his clansmen to join Mar's army at Perth. On his way he passed the house of Forbes of Culloden, which he invested, and sent in a demand for his arms and ammunition. The laird was in London, but his lady was at home, and sent a reply, "that her husband had left her the keys of that house, with the custody of what was in it, and she would deliver them to none but himself." She at the same time put the house in a posture of defence, and prepared for a vigorous resistance. Mackintosh remained about the house molesting her tenants, until lady Forbes, a few days after, sent her chamberlain to demand assistance from colonel Monro of Fowles, who immediately armed about two hundred men for her relief; but when he came to the water of Conon he received a message from lord Seaforth, who told him

he would dispute his passage with fifteen hundred men. The colonel, however, disregarded this threat, and would have continued his march to the lady's assistance, but her own tenants in Ferntosh informed him, "that his assistance would not be requisite, Seaforth having promised that Mackintosh should no more infest Culloden." These tenants, however, refused to join colonel Fowles as they had promised, and being unable without them to make head against Seaforth and the Mackintoshes, he returned home. On the 26th of the same month, the earl of Seaforth sent Alexander Mackenzie of Davachmaluak to sir Robert Monro of Fowles, to inform him "that he was now designed to execute what he had so long determined—namely, to set king James upon the throne, the matter now being so ripe as it would be effectuated without stroke of sword; he therefore required him to deliver what arms and ammunition he had by him, as he tendered his own safety." To this sir Robert replied, "that what arms he had, he had them for the use and service of king George, whom he would defend while his blood was warm." He then placed a strong garrison in his house, and next day sent the rest of his followers, and the gentlemen of his name, under the command of his son, colonel Robert Monro, to the bridge of Alness, which colonel Monro had appointed as the place of rendezvous for four hundred men of his name and their followers. They encamped there, and were joined next day by Ross of Brealangwell, chamberlain to the lady Ross of Balnagowan, who brought one hundred and eighty of that lady's tenantry; and their number was further increased, on the 6th of October, by the arrival of the earl of Sutherland and the lords Strathnaver and Reay, who came to the camp at Alness with three hundred of the earl's, and two hundred of lord Reay's men, forming a total of twelve hundred men, which they considered sufficient to defend the country from the earl of Seaforth, and prevent him from joining the earl of Mar at Perth. Seaforth, however, had also received an accession of strength by the arrival of sir Donald Macdonald, with about seven hundred men of his own, and other clans which he had picked up in his way from the Isle of Sky; such as the Mackinnans, Maccraws, and Chisholms of Strathglass, and his force now amounted to nearly three thousand men. Sutherland,

feeling himself unable to oppose so formidable a force, sent an urgent letter to Culloden, requiring the Grants, with Kilravock and other friends in the shires of Inverness, Nairn, and Murray, to muster all the force they could and hasten to his assistance; but although this request was obeyed with the utmost alacrity, and in a very short time after it was received, captain Grant marched with above twelve hundred men to reinforce him, they were stopped at the bridge of Dulcy, on the water of Findhorn, by a messenger informing them that the earl of Sutherland had retreated to the Bonar. It appeared that on Sunday, the 9th of October, the earl of Seaforth and sir Donald Macdonald had advanced with their limited forces to attack the earl of Sutherland, who immediately held a council of war, and it was resolved, that since there was so great a disparity in their numbers, it would be safer to make a retreat to the Bonar (a narrow arm of the sea, which divides Ross from Sutherland), than to hazard an engagement. Colonel Monro dissented from this resolution, knowing how difficult it would be to keep the men together after a retreat; but being outvoted, he followed the earl till he came to the Bonar, where finding that Sutherland's men and the Mackays had deserted, and were all gone over to the Sutherland side of the ferry, he and the gentlemen of his name, leaving their horses, crossed the mountains with their followers, and came betwixt the enemy and his father's house. Having reinforced its garrison, he sent the rest of the men to the mountains till further orders.

Immediately after lord Sutherland retired from Alness, lord Seaforth encamped there with his whole force, and remained till Saturday, the 15th, harassing the country of the Monroes. The rebels seem to have received some of their rudest rebukes from the loyal ladies of these parts. We are told that Seaforth, paying a visit to lady Tenenich, a friend told her that he was come to protect her, upon which she exclaimed, "the Lord of Hosts be my protector!" The earl entering at this moment heard the expression, and was so highly offended that, quitting the house hastily, he sent a party of soldiers, who plundered her of all her cattle and movables. He also repeated the summons to the lady Ross of Balnagowan (sister to the late earl of Murray), to deliver what arms and am-

munition she had. But this courageous lady, having a tolerably strong garrison in her house, called them together, and showing them the letter, declared, "that though she was not void of that fear incident to her sex, yet, in the sight of God she would rather die in the rubbish of that house, than buy her own quiet by giving so much as one gun-flint to employ against the interest of Christ." She sent her answer to Seaforth's camp at Alness, who, however, had left that place a few hours before the messenger came, and was on his way to Inverness, in consequence of messages he had received from the earl of Mar, urging him to join him at Perth with all possible expedition. Accordingly he remained but a day or two at Inverness; but during that short period several of those whom he had brought with him from Alness deserted. The loss, however, was compensated by the arrival of three hundred of the Frasers, under Alexander Mackenzie of Fraserdale. Having left sir John Mackenzie of Coule with a garrison in Inverness, Seaforth commenced his march on Monday, the 24th of October, towards Perth, through Strathspey, where the Grants, apprised of his coming, assembled for the defence of their territory. Though Seaforth and sir Donald's forces tripled the number of the Grants, they judged it inexpedient to attack them, and only demanded one hundred cows and one hundred bolls of meal for ready money, which being refused, they passed on through Strathspey, without doing any injury, lest the Grants might harass them on their march. Now changing their course, they marched to Badenoch, where they quartered several days on their friends, and ceased that country for provisions, and soon afterwards they reached Mar's camp at Perth.

About the end of October, the lord Lovat (who had returned to Scotland, and had been for a moment arrested at Dumfries on suspicion of being a spy), and the earl of Culloden arrived in the north, and joined with the Grants in a plan for the recovery of Inverness from the rebels, for which purpose they held a meeting with Kilravock, Duncan Forbes, and others. For some reason or other, Simon Fraser was a favourite of his, many of whom hastened to join him as soon as his return was known; and in a few days he proceeded, with a body of his friends and relations, to Stratherrick, where he was joined by Hugh Fraser of Foyers, and Alexander Frazer of Culdathill. In

his march to Stratherrick, he dispersed the clan Chattan, who had assembled in arms on the water of Nairn, for the purpose of assisting the rebel garrison of Inverness; and Macdonald of Keppoch, who, for the same purpose, had assembled three hundred men in the braes of Abertarf, having notice of Lovat's approach, also gave up the design. Lovat crossed Loch Ness at Bonar, with two hundred chosen men, and marched by Kinmayles; while colonel Grant, with his own, Elcheiz's, and Knockandow's men, marched through Murray; and captain George Grant, with three hundred men, proceeded direct towards Inverness.

When the departure of lord Seaforth for Perth had left the communication between the scattered loyalists open, the earl of Sutherland called a meeting of the deputy-lieutenants of Ross, Murray, and the other shires within his lieutenancy, at Invergordon in Ross-shire, at which it was agreed to send Alexander Gordon of Ardoch to London to represent the critical state of that country, and his mission was so successful, that he returned about a month afterwards with a thousand stand of arms. In the meantime, it was agreed that the gentlemen of Murray, in conjunction with lord Lovat and the Grants, should invest Inverness on that side the Murray Frith, while the earl with his men, in conjunction with lord Reay's men, the Monroes, and the Rosses, should attack it on the north. But before Seaforth or Reay, on account of the length and difficulties of the way, could arrive, Lovat and the Murray lieutenants invested the town, not deeming it expedient to wait. They first attempted to take it by surprise, but the detachment employed for that purpose was defeated through the rashness of their leader, captain Arthur Ross, brother to the laird of Kilravock, who was killed while pressing too eagerly on the enemy. It was now determined to surround the town and castle, for which purpose Lovat, with his detachment, took up his position at the west end of the bridge, while captain Grant stationed himself on the south side, to enter the castle-street, and the Murray lieutenants, Kilravock, Lethem-Brodie, sir Archibald Campbell, and Dunphail, with about three hundred men, were to attack the East-port. But Mackenzie, the rebel governor, fearing to be cut off from his escape, now abandoned the town, and crossed the Firth with his men, in boats. On the other side he was

met by colonel Monro, who had hastened before the earl of Sutherland with a hundred and fifty men, but as neither was willing to attack the other, Monro continued his march, and entered Inverness the same day, Saturday, November the 12th, a few hours after Lovat and his companions had taken possession of it. Colonel Monro occupied the castle, as governor, in virtue of his commission; while Lovat's men, with the Grants and the Murray gentlemen, guarded the other parts of the town.

A few days afterwards, the earl of Sutherland arrived, bringing with him twelve or fourteen pieces of cannon, which were immediately planted on the castle. Another instance of Lovat's popularity with his clan now occurred; for he having found means to acquaint the three hundred Frasers who had followed Mackenzie of Fraserdale to Perth, of his return, they came away in a body, and immediately ranged themselves under his banner at Inverness. Sutherland, now finding himself at the head of a considerable force in this town, proceeded to take steps for securing a supply of money and provisions; and for that purpose, he marched out on Saturday, the 19th, and, with his own and lord Reay's men, the Rosses, and a detachment of the Monroes, made an incursion on the lands of the Mackenzies, cessing those gentlemen who had sent their tenants with Seaforth to Mar's camp, but taking care that the contribution exacted did not exceed the six weeks' provision they were obliged in law to give their men, in case they had sent them to serve the government; and in eight days after, he returned, bringing his whole army with him into Inverness. At the beginning of December, the earl of Sutherland and the lord Strathnaver his son, with three hundred men, two hundred of the Rosses, under Hugh Ross of Brealangwell, and three hundred of the Grants, made another incursion through the shires of Murray and Nairn (having left colonel Monro of Fowles in Inverness), laying the country under contributions for the maintenance of the men in their service. The deputy-lieutenants for the county of Banff, hearing that Mar was cessing the people there, published a proclamation in the parish churches, prohibiting the payment of such impositions, and promising, that when the security of Inverness was sufficiently provided for, they would be next considered. Wherefore, when Sutherland came to Elgin,

colonel Grant being sent to the garrison at Ballveny, to glean intelligence, and to maintain a correspondence with him, captain Grant, Culloden, and the other deputy-lieutenants of Banff, entreated the earl to cross the Spey, reduce the lower end of the country, and thence proceed to the relief of their friends in the Boyne and Aberdeenshire, where numbers were anxiously waiting to join his majesty's forces. Sutherland, however, judged it more expedient to secure the safety of Inverness, which was again threatened with an attack by the rebels, who were gathering together, after their return from Dunblane. The ministers and gentlemen who had issued the aforesaid proclamation were thus left exposed to its consequences; for, having lost hopes of relief from that quarter, they were more harassed and insulted by the rebels than before.

The Grants were now allowed to go home, while the earl of Sutherland, with lord Reay and other chiefs, marched back to protect Inverness. Lovat, Kilravock, and sir Archibald Campbell of Clunie, with a force of six hundred men, remained at Elgin, to collect the requisitions which they had imposed for the maintenance of the troops.

During this interval, the battle of Dunblane had taken place, and the rebel leaders who had returned to Perth were not a little embarrassed by this activity of the loyal chiefs in the north; and several could not be hindered from separating themselves from the earl of Mar, to hasten back to the protection of their own estates. Among these was the earl of Seaforth, who returned to the north at the beginning of December, and towards the end of that month drew his men together, and concerted an attack upon Inverness with the marquis of Huntley, who had also returned with his men from Perth. The earl of Sutherland having intelligence of this design, resolved to attack Seaforth before he could join with Huntley, and he marched out of Inverness with three hundred of his own men, nearly the same number of the Mackays, under Patrick Mackay of Scourie, three hundred Grants, under captain George Grant, two hundred of the Rosses, under Hugh Ross of Brealangwell, and about two hundred of colonel Monro's men, and proceeded to the muir of Gillichris, where he was joined by five hundred of lord Lovat's men. Seaforth had there assembled about

twelve hundred men, all he was able to muster of those who had returned from Dunblane; and, finding he could not otherwise avoid fighting under a disadvantage, he made his submission to the government, and "owned king George to be his lawful sovereign, and promised to deliver himself and his arms when and where the king should require him." The earl of Sutherland returned to Inverness on the 1st of January, 1716, and soon afterwards the marquis of Huntley also gave in his submission, which he kept with more fidelity than the earl of Seaforth, who, only a few days after his submission, having received intelligence of the landing of the chevalier, collected his followers again, and placed guards upon the several passes and ferries, who robbed many of lord Sutherland's, lord Reay's, and the East Ross men, of their arms, as they were returning home, trusting to the submission. He also sent a party of three hundred men to possess the town of Chanrie, for the purpose of interrupting the communication betwixt Inverness and Ross. Sutherland sent colonel Monro, with two hundred men, in boats from Inverness, to recover that place from them; but Mackenzie of Coule arriving with four hundred men to assist the rebels, colonel Monro found it advisable to retire.

Mar's chance of success rested entirely on the rapidity of his movements, and on his surprising his enemies before their preparations for resisting him were completed; but his opportunity for doing this was now entirely lost through his own incapacity for the work he had undertaken. Since his return to Perth, his inactivity had effectually discouraged the highlanders, and his own men could be no longer convinced of his claims to a victory from which he was able to derive no advantage. As might be expected, therefore, his ranks soon began to be thinned by desertion, in addition to the loss of Seaforth, Huntley, and the Frasers, which was very imperfectly made up by the arrival of Macdonald of Keppoch. Moreover, the Dutch auxiliaries had now arrived in England, and they were dispatched with the English troops who had been released in the north of England by the capture of the rebels at Preston, to the assistance of the duke of Argyle. General Cadogan was also sent to co-operate with him, and he was followed by a small detachment of engineers, while a fine train of artillery was shipped from the Tower of London. Argyle

now began to act with more spirit on the defensive. On the arrival of part of the Dutch troops, he ordered the commodore of the Leith station to cannonade Burntisland, which was in the hands of the rebels, who, imagining that this was preparatory to a descent by the foreign troops, abandoned the place in such haste that they left behind them their stores and six pieces of ordnance. Other places in Fife were abandoned by the rebel garrisons, and were immediately occupied by the king's troops. Upon this the duke ordered three battalions of the Dutch troops to cross at Queensferry, and strong divisions were placed at Dunfermline and Inverkeithing, under the command of colonel Cathcart. Fife was thus entirely freed from the insurgents, the ministers returned to their charges, and the earl of Rothes proceeded to organise the militia. The position of the earl of Mar at Perth was thus becoming daily more disagreeable, and the discontent of his troops became so great, that, to hinder them from capitulating, he found it necessary to send proposals to the duke of Argyle, which were dispatched to court, and only replied to by orders to proceed to the utmost extremities against the rebels. Mar appears to have calculated that the inclemency of the season would protect him for some time from attack, and, although he was secretly prepared to abandon Perth on the first advance of the enemy, he proceeded to fortify it and establish magazines and stores, as though he were resolved on offering a long resistance. He was still at Perth, when news of the arrival of the pretender in Scotland came to raise his spirits and hopes for a moment.

The chevalier, at the urgent entreaty of his adherents in Scotland, had several times gone aboard the ships at St. Maloes, laden with arms and ammunition for his service, but he had as often deferred his departure; and he had subsequently traversed Normandy, to embark at Dunkirk, lurking for some days in different parts of the coast of Britany, in the disguise of a mariner. He at length embarked with the marquis of Tyne-mouth, son of the duke of Berwick, lieutenant Cameron, and three or four others, in a French vessel, formerly a privateer of eight guns, well manned and armed, and sailed towards Norway, but, changing his course, finally made for Peterhead, where he arrived on the 22nd of December, after a voyage of seven days. He landed with a retinue of six gentlemen, and the ship immediately

returned to France with the news of his safe arrival. Lieutenant Cameron was dispatched to Perth, where he arrived on the 26th, and the earl of Mar immediately set out, with the earl Marischal, general Hamilton, and twenty or thirty persons of quality, to attend the chevalier, who had lodged one night in Peterhead, with his companions, all disguised as sea officers. The next night they passed at Newburgh, the seat of the earl Marischal; on the 24th they passed, still in disguise, through Aberdeen, with two baggage horses, and at night came to Fetteresso, the principal seat of the earl Marischal, where the earl of Mar, Marischal, and Hamilton came to him on the 27th. He now laid aside his disguise, and they kissed his hand, acknowledged him as their king, and proclaimed him at the gates of the house. General Hamilton was sent over to France to announce his reception in his hereditary kingdom, and solicit supplies for his service. He was hindered from proceeding immediately to Perth by a sudden attack of an aguish distemper, which detained him several days at Fetteresso. Meanwhile the following declaration, dated at Commercry, was printed and dispersed publicly wherever his partisans had the power; and copies were dropped, during the night, in the streets of several loyal cities and towns:—

“James VIII. by the grace of God, of Scotland, England, France, and Ireland, king; defender of the faith; to all our loving subjects, of what degree or quality soever, greeting,—

“As we are firmly resolved never to lose an opportunity of asserting our undoubted title to the imperial crown of these realms, and of endeavouring to get the possession of that right which is devolved upon us by the law of God and man, so we must, in justice to the sentiments of our own hearts, declare that nothing in the world can give us so great satisfaction as to owe to the endeavours of our loyal subjects, both our own and their restoration to that happy settlement, which can alone deliver this church and nation from the calamities which they at present lie under, and those future miseries which may be the consequences of the present usurpation. During the life of our dear sister, of glorious memory, the happiness which our people enjoyed softened in some degree the hardship of our own fate; and we must confess that when we reflected on the goodness of her nature, and her in-

clination to justice, we could not but persuade ourself, that she intended to establish and perpetuate the peace which she had given to these kingdoms, by destroying for ever all competitions to the succession of the crown, and by securing to us at last the enjoyment of that inheritance out of which we had been so long kept; which her conscience must inform her was our due, and which her principles must bind her to desire that we might obtain.

"But since the time it pleased Almighty God to put a period to her life, and not to suffer us to throw ourself, as we then fully purposed to have done, upon our people, we have not been able to look upon the present condition of our kingdoms, or to consider their future prospect, without all the horror and indignation which ought to fill the breast of every Scotchman.

"We have beheld a foreign family, aliens to our country, distant in blood, and strangers even to our language, ascend the throne.

"We have seen the reins of government put into the hands of a faction, and that authority which was designed for the protection of all exercised by a few of the worst, to the oppression of the best and greatest number of our subjects. Our sister has not been allowed to rest in her grave, her name has been scurrilously abused, her glory, as far as in the people lay, insolently defaced, and her faithful servants inhumanly persecuted. A parliament has been procured, by the most unwarrantable influences and by the grossest corruptions, to serve the vilest ends; and they who ought to be the guardians of the liberties of the people, are become the instances of tyranny. Whilst the principal powers engaged in the late war enjoy the blessings of peace, and are attentive to discharge their debts and ease the people, Great Britain, in the midst of a peace, feels all the load of a war: new debts are contracted—new armies are raised at home—Dutch forces are brought into these kingdoms—and, by taking possession of the duchy of Bremen, in violation of the public faith, a door is opened by the usurper to let in an inundation of foreigners from abroad, and to reduce these nations to the state of a province—to one of the most inconsiderable provinces of the empire. These are some few of the many real evils into which these kingdoms have been betrayed, under pretences of being rescued and secured from dangers purely imaginary; and these are such consequences of abandoning the old

constitution, as we persuade ourselves very many of those who promote the present unjust and illegal settlement never intended. We observe, with the utmost satisfaction, that the generality of our subjects are awakened with a just sense of their danger, and that they show themselves disposed to take such measures as may effectually rescue them from that bondage which has, by the artifices of a few designing men, and by the concurrence of so many causes, been brought upon them.

"We adore the wisdom of the Divine Providence which has opened a way to our restoration, by the success of those very measures that were laid to disappoint us for ever; and we must earnestly conjure all our loving subjects not to suffer that spirit to faint or die away which has been so miraculously raised in all parts of the kingdom, but to pursue, with all the vigour and hopes which such a just and righteous cause ought to inspire, those methods which the finger of God seem to point out to them. We are come to take our part in all dangers and difficulties to which any of our subjects, from the greatest down to the meanest, may be exposed, on this important occasion; to relieve our subjects of Scotland from the hardships they groan under, on account of the late union; and to restore the kingdom to its ancient, free, and independent state.

"We have before our eyes the example of our royal grandfather, who fell a sacrifice to rebellion; and of our royal uncle, who, by a train of miracles, escaped the rage of the barbarous and bloodthirsty rebels, and lived to exercise his clemency towards those who had waged war against his father and himself, who had driven him to seek shelter in foreign lands, and who had even set a price upon his head.

"We see the same instances of cruelty renewed against us by men of the same principles, without any other reason than the consciousness of their own guilt, and the implacable malice of their own hearts; for, in the account of such men it is a sufficient crime to be born their king. But God forbid that we should tread in those steps, or that the cause of a lawful prince and an injured people should be carried on like that of usurpation and tyranny, and owe its support to assassins. We shall copy after the patterns above-mentioned, and be ready, with the former of our royal ancestors, to seal the cause of country, if such be the will of heaven, with our blood. But

we hope for better things—we hope, with the latter, to see our just rights, and those of the church and people of Scotland, once more settled in a free and independent Scots parliament, on the ancient foundation. To such a parliament, which we shall immediately call, shall we entirely refer both our and their interests, being sensible that these interests, rightly understood, are always the same. Let the civil, as well as the religious rights of all our subjects receive their confirmation in such a parliament; let consciences truly tender be indulged; let property of every kind be better than ever secured; let an act of general grace and amnesty, extinguish the fears of the most guilty, if possible; let the very remembrance of all that has preceded this happy moment be utterly blotted out, that our subjects may be united to us, and each other, in the strictest bonds of affection as well as interest. And that nothing may be omitted which is in our power to contribute to this desirable end, we do, by these presents, absolutely and effectually for us, our heirs and successors, pardon, remit, and discharge all crimes of high treason, misprision of treason, and all other crimes and offences whatsoever, done or committed against us or our royal father, of blessed memory, by any of our subjects, of what degree or quality soever, who shall at or after our landing, and before they engage in any action against us or our forces, from that time lay hold on mercy, and return to that duty and allegiance which they owe to us, their only rightful and lawful sovereign. By the joint endeavour of us and our parliaments, urged by these motives, and directed by these views, we may hope to see the peace and flourishing state of this kingdom, in a short time, restored. And we shall be equally forward to concert with our parliament such further measures as may be thought necessary for leaving the same to future generations.

“And we hereby require all sheriffs of shires, stewards of stewartries, or their deputies, and magistrates of burghs, to publish this our declaration immediately after it shall come to their hands, in the usual places and manner, under the pain of being proceeded against for failure thereof, and forfeiting the benefit of our general pardon.”

“Given under our sign manual and privy signet, at our court of Commercry, the 25th day of October, in the fifteenth year of our reign.”

While the pretender remained at Fetteresso, his time seems to have been chiefly taken up in receiving addresses from those who espoused his cause, among whom the foremost were the episcopal clergy of the diocese, whose address deserves to be given entire, as a curious monument of party spirit. It was on Thursday, the 29th of December, that the clergy addressed the chevalier in the following language:—

“To the king's most excellent majesty; the humble address of the episcopal clergy of the diocese of Aberdeen.”

“Sire,—We, your majesty's most faithful and dutiful subjects, the episcopal clergy of the diocese of Aberdeen, do, from our hearts, render thanks to Almighty God, for your majesty's safe and happy arrival into this your ancient kingdom of Scotland, where your royal presence was so much longed for, and so necessary to animate your loyal subjects, our noble and generous patriots, to go on with that invincible courage and resolution which they have hitherto so successfully exerted, for the recovery of the rights of their king and country, and to excite many others of your good subjects to join them, who only wanted this great encouragement. We hope and pray that God may open the eyes of such of your subjects as malicious and self-designing men have industriously blinded with prejudices against your majesty, as if the recovery of your just rights would ruin our religion, liberties, and property, which, by the overturning of these rights, have been highly encroached upon; and we are persuaded, that your majesty's justice and goodness will settle and secure those just privileges, to the conviction of your most malicious enemies. Almighty God has been pleased to train up your majesty from your infancy in the school of the cross, in which the Divine grace inspires the mind with true wisdom and virtue, and guards it against those false blandishments by which prosperity corrupts the heart: and as this school has sent forth the most illustrious princes, as Moses, Joseph, and David, so we hope the same infinitely wise and good God designs to make your majesty not only a blessing to your own kingdoms, and a true father of them, but also a great instrument of the general peace and good of mankind. Your princely virtues are such, that, in the esteem of the best judges, you are worthy to wear a crown, though you had not been born to it; which makes us confident, that

it will be your majesty's care to make your subjects a happy people, and so to secure them in their religion, liberties, and property, as to leave no just ground of distrust, and to unite us all in true christianity, according to the gospel of Jesus Christ, and the practice of the primitive christians. We adore the goodness of God, in preserving your majesty amidst the many dangers to which you have been exposed, notwithstanding the hellish contrivances formed against you, for encouraging assassins to murder your sacred person, a practice abhorred by the very heathens. May the same merciful providence continue still to protect your majesty, to prosper your arms, to turn the hearts of all the people towards you, to subdue those who resist your just pretensions, to establish you on the throne of your ancestors, to grant you a long and happy reign, to bless you with a royal progeny, and at last with an immortal crown of glory. And as it has been, still is, and shall be our care, to instil into the minds of the people true principles of loyalty to your majesty, so this is the earnest prayer of your majesty's most faithful, most dutiful, and most humble subjects and servants."

To this address the chevalier replied very briefly:—"I am very sensible of the zeal and loyalty you have expressed for me, and shall be glad to have an opportunity of giving you marks of my favour and protection."

The chevalier now assumed the regal authority by conferring titles of honour, as knighthood, nobility, and ecclesiastical dignities, on such as were zealous for him; and while at Fetteresso he rewarded these demonstrations in his favour by knighting the provost of Aberdeen and creating several lords and bishops.

Having at length recovered from his illness, the chevalier proceeded to Brechin on Monday, the 2nd of January, and remained there till Wednesday, when he went to Kinnaird; on Thursday he proceeded to Glames; and on Friday, at about eleven o'clock in the forenoon, he made his public entry, on horseback, into Dundee, the earl of Mar on his right, and the earl Marischal on his left, with a retinue of about three hundred horsemen. He remained about an hour in the market-place, where many of the people kissed his hand, and he proceeded thence to the house of Stuart of Garntully, where he dined and lodged that night. On Saturday he went from Dundee

to Castle-Lion, a seat of the earl of Strathmore, where he dined, and after to sir David Triplin's, where he lodged; and on Sunday, the 8th of January, he arrived at Scone, about two miles from Perth. On Monday, the 9th, he made his public entry into Perth, where he reviewed some of the soldiers quartered in the town, who were drawn out for the purpose, and returned the same night to Scone.

At Scone, on the 16th of January, 1716, the pretender named his council, which he opened with a speech which was immediately printed and distributed among his adherents. "I am now," he said, "on your repeated invitation, come among you. No other argument need be used of the great confidence I place in your loyalty and fidelity to me, which I entirely rely on. I believe you are already convinced of my good intentions to restore the ancient laws and liberty of the kingdom. If not, I am still ready to confirm to you the assurance of doing all that I can to give you satisfaction therein. The great discouragements which presented themselves were not sufficient to deter me from coming to put myself at the head of my faithful subjects who were in arms for me; and whatsoever shall ensue, I shall leave them no room for complaint that I have not done the utmost they could expect from me. Let those who forget their duty, and are negligent of their own good, be answerable for the worst that may happen. For me it will be no new thing if I am unfortunate. My whole life, even from my cradle, has been a series of misfortunes, and I am prepared—if it so please God—to suffer the threats of my enemies and yours. The preparations which are making against us will, I hope, quicken your resolution, and convince others from whom I have assurances, that it is now no time to dispute what they have to do. If otherwise they shall by their remissness be unmindful of their own safety, I shall take it as my greatest comfort that I have acquitted myself of whatever can be expected from me. I recommend to you what is necessary to be done in the present conjuncture, and, next to God, rely on your counsel and resolution."

The emptiness of his own promises and declarations, and of the high-sounding addresses of his adherents, were soon exhibited in the events which immediately followed. Instead of acting with energy, the pretender employed himself, while

at Scone, in issuing idle proclamations, one of which ordered a general thanksgiving for his safe arrival; another directed a form of prayer for him to be used in churches; a third made all foreign coin current in Scotland; a fourth called together a meeting of the estates; a fifth summoned all fencible men between sixteen and sixty years of age to repair to his standard; and a sixth announced that his coronation should take place on the 23rd of January. These proclamations were treated with ridicule, even among his friends, many of whom were highly offended at his reluctance to take the coronation oath, which obliged him to promise to support the established church; and this gave rise to so much discussion, that the day fixed for the coronation was adjourned. It was soon, indeed, apparent to everybody that the chief quality of the prince was his blind bigotry. He strictly banished all religious service by protestants from his household, which resounded with the paternosters and aves of his confessor, father Innes, while even the protestant bishops whom he had created himself were not allowed to say so much as a grace. By this he is said to have effectually cooled the zeal of the ladies of the episcopal party, who, under the delusion that if not a protestant he was at least very favourable to protestantism, had done much towards influencing their husbands to declare for him. His selfishness gave general disgust, when, on the 17th of January, he issued barbarous orders for laying waste the country between Dunblane and Perth, of which the following was one:—"JAMES REX.—Whereas, it is absolutely necessary for our service and the public safety, that the enemy should be as much incommoded as possible, especially upon their march towards us, if they should attempt anything against us or our forces, and as this can by no means be better effected than by destroying all the corn and forage which may serve to support them on their march, and burning the houses and villages which may be necessary for quartering the enemy, which nevertheless it is our meaning should only be done in case of absolute necessity, concerning which we have given our full instructions to James Graham, younger of Braco: these are therefore ordering and requiring you, how soon this order shall be put into your hands by the said James Graham, forthwith, with the garrison under your command, to burn and destroy the

village of Auchterarder, and all the houses, corn, and forage whatsoever within the said town, so as they may be rendered entirely useless to the enemy. For doing whereof, this shall be to you, and all you employ in the execution hereof, a sufficient warrant. Given at our court of Scone, this 17th day of January, in the fifteenth year of our reign, 1715-16. By his majesty's command.—MAR. To colonel Patrick Graham, or the commanding officer, for the time, of our garrison for Tulibardine."

But while the pretender was thus wasting his time, the royalists had on the contrary began to act with greater activity. The duke of Argyle having ascertained that the last of the Dutch troops had passed the borders to join him, and that the great train of artillery which was shipped off at London for this expedition, was wind-bound in the mouth of the Thames, and seeing no prospect of a change of weather, demanded of the governor of Berwick to furnish him with as many great guns, as, with those that could be had in the castle of Edinburgh, might make a sufficient train; and on Wednesday, the 3rd of January, he sent brigadier Petit, a skilful engineer, to Edinburgh, with express orders to make up a train of twelve battering guns and six small field-pieces, to be added to the six three-pounders already in the camp at Stirling, with six mortars, making in all twenty-four pieces of cannon and six mortars. The Dutch and British troops furnished fifty men skilled in gunnery, who were added to the old Scots corps of gunners then at Stirling. Orders were likewise given to get what ammunition and other warlike stores would be necessary for the said train, and nine thousand men, either for siege or battle, in readiness with the utmost expedition, together with pontoons for crossing rivers, &c. On the 8th, general Cadogan was sent to Edinburgh to order the proper officers to press fifteen hundred horses to bring the artillery from Berwick, and next day he returned to Stirling, where a general council of war was held, at which the necessary resolutions were taken for the advance of the army.

On the 21st of January, colonel Guest, with two hundred dragoons, was detached from Stirling to reconnoitre the roads leading to Perth, which were covered with very deep snow, and to observe the posture of the enemy, and his advance created such an alarm, that the town of Perth was thrown

into the utmost confusion, which was increased by the country people who crowded in with the news that the duke of Argyle, with all his cavalry and four thousand foot mounted on horses, were in full march to attack the town. A party of horse, however, being sent to Tullibardine, brought back intelligence that all things were quiet, and that there was no appearance of the enemy. The rebels now made a great show of courage and resolution; the town of Perth was put in a state of defence; and they boasted publicly of their intention to fight the king's forces. Soon after, however, they were thrown into a new consternation, when the duke of Argyle sent general Cadogan with a strong detachment of horse and foot, to take post at Dunblane, and to send a party to Doune. The duke marched himself, on the 24th, to Dunblane with two hundred horse, and, taking thence general Cadogan with as many more, went to view the roads as far as Auchterarder. The rebels immediately abandoned their advanced posts, and retired behind the river Earn, where they gave out that they were resolved to rally and fight the king's army. The pretender now sent three thousand highlanders from Braco, Tullibardine, and other neighbouring garrisons, who, agreeably to his orders, burnt the towns and villages of Auchterarder, Crieff, Blackford, Dunning, and Muthil, with all the corn and forage they were unable to carry away, the inhabitants being left exposed to the inclemency of the season, while some decrepid people and children, who were not able to escape, were actually burnt in their houses.

The same day the duke went to view the roads himself. There had been a sudden thaw, followed by a heavy fall of snow, to the depth of three feet, and immediately a severe frost, which rendered the roads almost impassable for the infantry, so that several of the officers urged that the march should be delayed till the weather improved; but the duke received positive orders from court to proceed forthwith against the rebels, and he resolved to surmount all difficulties, and to march as soon as the artillery, some of the Dutch forces at Edinburgh, and the regiments of Newton and Stanhope, quartered at Glasgow, could join him, which they did two or three days after. The train of artillery from Berwick, and some of that from Edinburgh, arrived at Stirling on the 26th; but the other pre-

parations were not completed till the 28th, on which day, colonel Borgard, with the English train, which had been detained by the stormy weather, arrived in Leith roads. Having been informed that sufficient artillery was already provided for that expedition, he left his artillery and stores on board, and hastened, with his company of engineers, to Stirling, where he arrived in the morning of the 29th, just in time to go along with the army. The duke of Argyle had ordered two or three hundred pioneers and workmen to be employed in clearing the roads of snow, and making them passable from Stirling to Dunblane, and from thence to Perth; and he commenced his march on Sunday, the 29th of January, reaching Dunblane the same day. The same morning a detachment of two hundred dragoons and four hundred foot, with two pieces of cannon, took the castle of Braco, twelve miles from Stirling, from the rebels, and next day they marched towards Tullibardine, to dislodge the rebels there and protect the inhabitants, who, to the amount of two thousand men, were employed in clearing the roads of snow. That day the army advanced to Auchterarder, where the soldiers were obliged to rest all night amongst the snow, without any covering, the rebels having left scarcely a habitation standing.

The intelligence of Argyle's advance put an effectual stop on the coronation of the pretender at Scone and the meeting of his parliament. He called a council to deliberate on the most prudent course to be taken, and he put the question, whether they ought to maintain the place and fight the duke of Argyle, or retreat? The officers and soldiers in general, especially the highlanders, were eager for fighting, and to satisfy them a warlike tone was assumed; but when it was known that the king's army had advanced to Auchterarder, the chevalier called a council of war, to which he recommended a retreat. The earl of Mar took the same view of their position, stating "that their chief dependence had been on the duke of Ormond's landing in England, as was concerted between his grace and himself, but his grace, after having met with many disappointments, had disembarked on the coast of England, but finding his friends so much discouraged that it was impossible to collect them, he had returned to France, where preparations were making for another descent on England, with such

power as would protect their friends. These things had brought the weight of the war on Scotland, and not only so, but had caused the succours which they expected from abroad to be stopped and reserved for the duke of Ormond's expedition, which was now in a state of great forwardness in the western parts of France." This proposal gave rise to much debate and altercation, till Mar, seeing he could not carry his point, and resolved not to hazard a battle, adjourned the council till next morning. A few hours afterwards, a select number being got together, Mar prevailed upon them to resolve upon a retreat, which they kept concealed from their followers, who supposed they only waited a more favourable opportunity of engaging the forces that pursued them. This they believed they would be able to do at Aberdeen, where they expected supplies from abroad. The pretender retired from Scone to Perth, where, having supped in provost Hay's, he rested some hours, and next morning with his army, abandoned Perth also. It is said that when he left Perth with the earl of Mar and adherents, he shed tears, complaining that "instead of bringing him a crown, they had brought him to his grave."

On that day the royal army advanced to Tullibardine, where the garrison, consisting of a captain and fifty men, at first resisted, but when the captain saw that preparations were making for attacking him with artillery, he surrendered at discretion, and he and the garrison were sent prisoners to Stirling. Immediately after the capture of Tullibardine, Argyle received intelligence from Perth that the rebels had abandoned that place and retired towards Dundee, on which he set out without delay, and, about one o'clock in the morning of the 1st of February, entered Perth with general Cadogan and the cavalry. The foot arrived about ten, and the rest of the army reached Perth the same evening. The town, however, had been already secured for the king; for colonel Alexander Campbell of Finab, and Campbell of Lawers, who had been stationed at Finlarig, in the earl of Breadalbane's territory, to prevent the disaffected in these parts from joining the rebel army, had come to Perth, with their own men and a detachment of highlanders, immediately after the chevalier left it, and found only a party of the rebels, who, being unwilling to part with the brandy of which they had drank plentifully, were in such a condition

as to be easily captured. The duke, on his arrival, sent these officers with their men to Dundee, to take possession of that important place, which also had been abandoned by the rebels. Before he left Stirling, Argyle had directed sir John Jennings, who commanded the ten frigates cruising in the Firth, to accompany his march, and having hoisted his flag on board the *Oxford*, 74, he sailed to the northward. The duke himself advanced to Errol, on the 2nd of February, with six squadrons of dragoons, three battalions, and eight hundred foot; and the next day he proceeded to Dundee, and was joined there by the rest of the army on the 4th. The rebels having retired from Dundee to Montrose, Argyle, on the 3rd, sent a detachment towards Aberborthwick, and, on the morning of the 4th, ordered major-general Sabine, with three battalions, five hundred foot, and fifty dragoons, to proceed to the same place, which is about eight miles from Montrose. The same day he dispatched colonel Clayton, with three hundred foot and fifty dragoons, by the way of Brechin, ordering each detachment to summon the country people to remove the snow from the roads. He formed the remainder of his army into two divisions, as he had heard that the rebel army had marched in two columns. General Cadogan arrived at Aberborthwick on the 5th, and the duke himself, with all the cavalry, proceeded by the upper road towards Brechin, intending to concentrate the whole of the army, next day, at Stonehive, and reach Aberdeen on the 6th, whither they supposed the chevalier had gone.

The chevalier was, however, at this time, out of their reach. When he learnt in Montrose, on the morning of the 4th, that part of the royal army was advancing towards Aberborthwick, he ordered the clans who remained with him to be ready to march, about eight at night, towards Aberdeen, where, he gave out, a considerable force would join them from France. At the hour appointed for their march, the chevalier directed his horse, and the horses of his attendants, to be brought before the door of the house in which he lodged, and the guard which usually attended him to mount, as if he intended to go on with the clans to Aberdeen; but he secretly left the house on foot, attended only by one of his domestics, and went to the earl of Mar's lodgings, whence they proceeded by a foot-

path to the water-side, where a boat was in readiness, which carried them to a French ship of about ninety tons' burden, called the *Maria Theresa*, of St. Maloes. Next morning, at a quarter after two, other boats carried the earl of Melfort and the lord Drummond, with lieutenant-general Sheldon, and ten other gentlemen, on board the same ship, which immediately put to sea, and escaping the English cruisers, reached Waldam, between Dunkirk and Calais, in seven days. The earls Marischal, Southesk, lord Tynemouth, general Gordon, and many other gentlemen and officers of distinction, were left behind to shift for themselves. They continued with the army, and led it towards Aberdeen; the foot marching first, under general Gordon, and the earl Marischal, with about one thousand horse, keeping the rear, to prevent surprise.

General Cadogan meanwhile hastened his march towards Montrose, where he arrived on the afternoon of the 5th, with the regiments of Wills, Egerton, and Clayton, and six hundred detached foot. The same night Argyle arrived at Brechin, within five miles of Montrose, with all the dragoons; and lieutenant-general Vanderbeck, who commanded the Dutch forces, lay with the foot at Aberborthwick. Next day they continued their march towards Aberdeen, where the duke, with fifty dragoons and four hundred foot, arrived on the 8th, and the rest of the king's forces arrived the same day, having compelled the garrison of Duunotter to surrender. The same day that the royal army reached Montrose, the remainder of the rebels arrived at Aberdeen, under the command of general Gordon, according to a commission given to him by the pretender. On his arrival in Aberdeen, he called the officers together and communicated to them a letter from the chevalier, in which he acquainted them "that the disappointments he had met with, especially from abroad, had obliged him to leave that country; that he thanked them for their services, and desired them to advise with general Gordon, and consult their own security, either by keeping in a body or separating; and encouraging them to expect to hear further from him in a very short time." At the same time, general Gordon acquainted them, that they could expect no more pay; and, though he and the rest of their leaders were in the secret before they left Perth, and knew that the chevalier and Mar were gone, yet now they pretended to be in a

transport of anger and despair at their desertion. When the letter was read, many of the soldiers threw down their arms, exclaiming that "they were basely betrayed, they were all undone, they were left without king or general." On the 7th, in the morning, the van of the rebels marched from Aberdeen, and their rear followed about two in the afternoon. Their main body quartered in Old Meldrum that night. About two hundred of their horse, and a considerable number of their chiefs, with the Irish and other officers, who had come from France, went towards Peterhead, to embark in ships waiting there for them. The duke of Argyle, on his arrival at Aberdeen on the 8th, had sent major-general Sabine, with a party of foot, to Peterhead, and colonel Ker with a detachment of dragoons to support them; major-general Evans, with two hundred dragoons, and colonel Campbell, of Finab, with four hundred men, composing the advanced guard to the royal army, were also dispatched to intercept the horse of the rebels, if, finding they could not escape at Peterhead, they endeavoured to embark at Fraserburgh. Some of them, shipping at Peterhead, got safe to France; but the remainder were compelled to return, and reached Fraserburgh before general Evans, who, on his arrival there, captured the chevalier's physician. The rest of the party having gone to Banff, he sent colonel Campbell after them, with forty dragoons and four hundred foot. The duke having sent several of the forces in pursuit of the rebels as far as Murray, brigadier Grant came to Inverness, and he and lord Lovat established garrisons of their own men in Seaforth's house at Brahan, Chisholm's house at Erchles, and Borlam's house at Borlam; while colonel Grant, who commanded an independent company, took possession of Castle Gordon, leaving a sufficient number of men to guard Inverness. Before he left Stirling, Argyle had sent a letter to the earl of Sutherland, desiring him to take measures for protecting Inverness from the insurgents, and he immediately communicated these orders to the chiefs of the king's friends in those parts, who assembled their men in haste, and the town was soon filled with volunteers, who remained there unmolested till relieved by the regular troops.

The rebel army had marched west, through Strathspey and Strathdon, to the hills of Badenoch, where they separated.

The foot dispersed into the mountains on this side of Lochy; the horse went to Lochaber, agreeing, however, to reassemble as soon as they had information to that effect from the chevalier. Learning that two French frigates were come to their relief and were riding at anchor in the Pentland Frith, lord Duffus, sir George Sinclair, general Eckline, and about a hundred and sixty gentlemen, took horse, and crossing the shire of Murray, came to the sea-side near Burgh, where they obtained boats, which conveyed them to the Orkneys, Arskerry, and other islands, whence most of them found means to escape to France. The rest were conveyed to Gottenburg, and many of them entered the service of the king of Sweden. Lord Duffus was subsequently apprehended in Hamburg, at the instance of the British envoy there, and delivered up to the British government. There still remained in Scotland many of the chiefs of the rebellion, including the marquis of Tullibardine, the earls Marischal, Southesk, and Seaforth, who, in spite of his submission, had joined them in their flight to the northward. Lord Tynemouth, sir Donald Macdonald, and other chiefs of the clans, concealed themselves for some time in the mountains, and several of them made their escape to the Isle of Skye, Lewis, and other of the north-western islands, where they remained till vessels arrived to convey them abroad. Some of them afterwards gave in their submission to the government.

The duke of Argyre now ordered four battalions of foot and a regiment of dragoons to march for Inverness on the 15th of February, and established his army in quarters for the remainder of the winter, and then, leaving the command to general Cadogan, he returned to Edinburgh on the 27th of February, and soon afterwards set off for London, where he arrived on the 6th of March.

Towards the end of February general Cadogan went to Inverness, resolving to march through the highlands with a body of the regular troops, to reduce the clans still in arms on the mountains. A detachment, under the command of colonel Cholmondely, was sent to the island of Lewis, where the earl of Seaforth, with brigadier Campbell of Ormundel, an old soldier newly arrived from Muscovy, and a considerable body of the rebels, were in arms. The colonel reduced the whole island in a very short time, and took brigadier Campbell

prisoner, his men having all abandoned him. He, standing on the spot where he had drawn them up to fight, scorning to turn his back, was taken in a charging posture. The earl escaped from the island and could not be found for a considerable time, till he appeared at his seat in the shire of Ross, where, however, he remained only a little, and made his escape to France. Another detachment, commanded by colonel Clayton, was sent to the Isle of Skye in search of sir Donald Macdonald, who went off to the Isle of Uist, and skulked there till he got on board a ship which carried him to France. About this time, three ships from France came too late with stores for the rebels, who were supposed to be still in arms. They arrived in the Western Islands, but, finding the gentlemen unwilling to venture the remains of their men against the regular troops when there was no prospect of success, they did not unload their cargo. Seventy-five gentlemen embarked in two of the ships, and made their escape to France. The third, which had fifty chests of small arms and one hundred and fifty barrels of powder on board, was captured by the *Lively*, one of the king's cruisers.

General Cadogan next caused proclamation to be made in the several parishes requiring the rebels to surrender themselves, and giving assurance that such of the common people as had been in the rebellion, but who now delivered up their arms to his majesty's forces, should have liberty to return home in safety, while those who stood out or retained their arms, would be reduced with extreme rigour. The common people in the lowlands immediately obeyed, and came in and gave up their arms; but some of the clans being obstinate, and refusing to submit, were pursued by his majesty's troops.

Parliament was assembled at the beginning of January, and its attention was immediately called to the troubles in Scotland. Both houses presented loyal addresses, and, on the 10th of January, the commons drew up an impeachment against the principal prisoners taken at Preston, the earls of Derwentwater, Nithsdale, Wintoun, and Carnwath, and the lords Widdrington, Kenmure, and Carnwath, who were brought to the bar of the house of lords, and the articles of impeachment exhibited against them by the commons were read. They were given to the 16th to prepare their defence, but as this was considered too short

a time, it was extended to Thursday, the 19th. Subsequently, the earl of Wintoun, at his own petition, was given till the 23rd. The others, at the day appointed, were brought from the Tower to the bar of the house of lords, where they severally pleaded guilty to the articles of their impeachment, and the 9th of February was appointed for pronouncing the sentence. In the interval, on the 21st of January, the king, coming to parliament to sign the bill for the suspension of the habeas corpus act, informed the houses that the pretender had arrived in Scotland. On the 19th, the prisoners were brought to the bar of the court erected in Westminster-hall, having the axe borne before them, as was usual in such cases. Being asked by the lord high steward what they had to say, why judgment should not be pronounced upon them, they severally pleaded the same excuse which they had made on the former occasion, namely, that they had entered upon their undertaking through inconsiderate rashness, and they begged the king's pardon, relying on his mercy, on which they were made to depend, at the time of their surrender. They further beseeched the noble peers and honourable commons to intercede with his majesty for mercy to them, promising, to the end of their lives, to pay the utmost duty and gratitude to his majesty, and to be his most dutiful and obedient subjects. The lord high steward, in reply, urged that the rashness and inconsideracy which they had pleaded in extenuation were rather to be considered as aggravating their crime, inasmuch as these had been the cause of so much confusion and bloodshed. "And now, my lords," added he, "nothing remains but that I pronounce upon you (and sorry I am that it falls to my lot to do it) that terrible sentence, the same that is usually given against the meanest offender in like circumstances. The most ignominious and painful parts of it are usually remitted, through the clemency of the crown, to persons of your quality; but the law, in this case, being blind to all distinctions of persons, requires I should pronounce the sentence adjudged by this court, which is, that you, James earl of Derwentwater, William lord Widdrington, William earl of Nithsdale, Robert earl of Carnwath, William viscount Kenmure, William lord Nairn, and every one of you, return to the prison of the Tower from which you came, thence you must be drawn to the place of execu-

tion; when there you must be hanged by the neck—not till you be dead; for you must be cut down alive, then your bowels taken out and burned before your faces. Your heads must be severed from your bodies, and your bodies divided into four quarters, to be at the king's disposal. And God Almighty be merciful to your souls."

Great intercessions were made for the unfortunate lords by their friends for obtaining their pardon, but in vain. On the 13th, the countess of Nithsdale and lady Nairn, having obtained admission into the palace of St. James's, concealed themselves behind a window-curtain in a room between the royal apartments and the drawing-room, and throwing themselves at the king's feet as he passed, importuned him to show mercy to their husbands. The king was much irritated at this irregular application; and one made subsequently, in a more regular manner, by the countess of Derwentwater, was equally ineffectual. On the 22nd, the house of lords, in consequence of the urgent appeals of the prisoners and their ladies, presented an address for reprieving them, to which the king replied, "that on this, and all other occasions, he would do what he thought most consistent with the dignity of his crown and the safety of his people." Next day orders were signed in council for the execution of the earls of Derwentwater and Nithsdale and viscount Kenmure; but the others were reprieved till the 7th of March.

That same night, the earl of Nithsdale, by the contrivance and assistance of his lady, made his escape from the Tower in disguise, and a coach being stationed at a short distance, he entered it, and was conveyed to lodgings in a retired part of the city, where he remained concealed till an opportunity was afforded of departing for the coast. He went to Dover with the coach of the ambassador of Venice, disguised as a livery servant, and embarking there he was safely landed in France. Lady Nithsdale remained in England some time unmolested, and then, having settled his affairs as well as she could, and thinking herself no longer safe, she followed her husband.

The earl of Derwentwater and viscount Kenmure were beheaded on Tower-hill on the 24th of February. The first made a speech on the scaffold, in which he begged pardon of those he might have scandalised by his pleading guilty at his trial, and declared that he was sensible that in this he

had made free with his loyalty, having never any other but king James III. for his rightful and lawful sovereign. And notwithstanding all he had said at his trial, to excuse his rising and taking arms, he declared he intended to serve his king (James) and country by it, hoping, by the example he gave, to have induced others to perform their duty. He died with firmness, professing the Roman catholic faith. Viscount Kenmure made no speech at the place of execution, but he left a letter addressed to the pretender, in which he declared his faithfulness to his cause, and his hopes for its success. He declared that he had ever lived, and would die, in the profession of the protestant religion, practised in the church governed by bishops.

The earl of Wintoun, when placed on his trial, pleaded not guilty, and, at his own request, further time was allowed him to prepare his defence. He was tried on the 15th of March, and was, as might be expected, found guilty. Sentence was pronounced upon him on Monday, the 19th, but he evaded the execution by escaping from the Tower. The earl of Carnwath, and lords Widdrington and Nairn, were reprieved.

Meanwhile a commission of oyer and terminer had been issued for trying those prisoners taken at Preston, who were left in Lancashire. The judges appointed for that purpose were Mr. baron Bury, Mr. justice Eyre, and Mr. baron Montague, who left London on the 4th of January, and reached Liverpool on the 11th. Next day the grand jury was summoned, and bills of indictment were found against forty-eight of the prisoners. Copies of the indictments were given to the prisoners, and the court adjourned for eight days, that they might have a reasonable time to prepare their defences. In the meantime other prisoners were brought from Lancaster and Chester to Liverpool, and the grand jury found bills against one hundred and thirteen more, of whom forty were Scotchmen. The trials began on the 20th of January, and lasted till the 9th of February; and of seventy-four who were tried, sixty-seven were found guilty and condemned, and seven only were acquitted. Five were ordered for execution at Preston on the 28th of January; seven on the 9th of February; seven more at Wigan on the 10th; and the same number at Manchester on the 11th. Three were executed at Liverpool, four at Garstang, and four

at Lancaster. The judges appointed neither time nor place for the execution of the rest; and a few were reprieved during his majesty's pleasure. Those who were not tried, seeing that the government was in good earnest with them, and being convinced of the absurdity of the notions they previously entertained, "that the king durst not take the life of one of them, and that the government would not attempt a process against so great a number," joined in a humble petition to the court, acknowledging their guilt, and begging that their sentence might be commuted for transportation. This was granted, and on the 10th of February, the judges departed for London, leaving the prisoners to be sold to the merchants of Liverpool, for transportation to the plantations of America.

The law required that the prisoners taken at Preston, who had been brought to London and lodged in the Marshalsea, Newgate, and the Fleet, should be returned to Lancashire to take their trial in the county where their crimes were committed. As this could not be done without considerable expense and trouble, a bill was passed for their "more speedy trial," by which a court was constituted in Southwark for the trial of those confined in the Marshalsea, and a commission ordered to try those in Newgate and the Fleet at the court of common pleas in Westminster. Next day the commission for the trials in Westminster met, and bills of indictment for high treason were prepared against Thomas Forster, the rebel general, with brigadier Mackintosh of Borlams, and William Shaftoe, Robert Talbot, colonel Henry Oxburgh, Charles Wogan, and others to the number of twenty, and a week was given them to prepare their defences. In this interval, on the night of the 10th, Forster contrived to make his escape out of Newgate, and he reached France in safety within the following day; so that it was in vain a proclamation was published offering a thousand pounds reward for his apprehension. When the court proceeded to the trial of the rest they pleaded not guilty, and, on a petition for further time to prepare their defence, were allowed three weeks. This time they also employed in making preparations for their escape, and on the 4th of May, about eleven at night, brigadier Mackintosh with fifteen others, broke out of their confinement, knocked down the keeper of Newgate and the underturnkey, and having taken the keys from

the latter, let themselves out. Some of them, however, mistaking the streets, were retaken, but the principal rebels escaped. A proclamation was immediately issued offering a thousand pounds reward for the apprehension of Mackintosh, and five hundred for each of the others, but they could not be discovered. On the 7th, fourteen more were arraigned, who pleaded not guilty, and had time allowed to prepare their defences. The court now proceeded with those who were formerly indicted, and beginning with Henry Oxburgh, found him guilty, and sentenced him to be executed on the 11th at Tyburn, and his head was set up on Temple-bar. On the 16th, the court sat again, when Thomas Hall of Otterburn, and Robert Talbot, were tried and found guilty. Soon after, Gascoigne and others were tried, and similarly found guilty. On the 18th of May four others were tried; one of them pleaded guilty, and the other three were found so by the jury. They were all reprieved except Gascoigne, who was executed at Tyburn.

The court in Southwark began its work on the 10th of April, and the trials there continued into the month of July. On the 4th of the last-mentioned month the court met again at Westminster, and about thirty were brought on their trial. Most of them pleaded guilty, and others were found so by the jury. Among the former of these was Mr. Paul, a clergyman; and of the latter, James Menzies of Culdare, who pleaded the king's pardon, in regard of his peculiar case, those who drew him into the rebellion being about to possess his estate. The British parliament had, at the beginning of these proceedings, passed bills of attainder against the earls of Mar, Linlithgow, Marischal, Seaforth, Southesk, Panmure, the marquis of Tullibardine, lord Drummond, and some other chiefs of the rebellion in Scotland, which received the royal assent on the 7th of May; and about the end of the session, bills of attainder were passed against general Forster and brigadier Mackintosh, and a bill for more effectually securing the peace of the highlands in Scotland by disarming the people, &c., and another for appointing commissioners to inquire into those estates which were forfeited by the rebellion, which the king had promised to give up for the public service.

Having prorogued the parliament, the king departed for the continent. Before his departure he appointed general Car-

penter commander-in-chief of all the forces in Scotland; lord Lovat, for his good services in recovering that place from the rebels, governor of Inverness; the earl of Sutherland, president of the chamberlainry in Scotland; and he left the prince of Wales regent during his absence. The state prisoners remained in the confident expectation of a free pardon, yet to everybody's surprise, on the night of the 8th, after the prince had opened his commission in council, a warrant was signed for executing twenty-four of them on the following Friday. With an inexcusable refinement of cruelty, after leaving them without hope of life till the day before that fixed for the execution, a reprieve was then given for twenty-two of them. Paul the clergyman, and Hall of Otterburn, were executed on the day appointed, the 13th of July, 1716. At the place of execution each of them read a declaration renouncing communion with the church of England, and owning they died members of the nonjuring church there, praying for the restoration of the chevalier, under the name of king James, and exhorting the people to be obedient to him as their only lawful sovereign.

On the 24th of June, when the act suspending the habeas corpus bill expired, the earl of Scarsdale, lords Duplin, Powis, and several private gentlemen, availed themselves of it, and were admitted to bail. In a short time after, sir William Windham, Mr. Harvey of Comb, Mr. Lockhart of Carnwath, the earls of Wigtoun and Hume, and several others, both in England and Scotland, who had been taken into custody as suspected persons when the rebellion broke out, took likewise the benefit of the habeas corpus act. A general order was likewise issued for the liberation, without bail, of all those who surrendered, according to the summons, before the rebellion, and those who deserted from the rebels before their retreat from Perth; and for discharging all the servants who were prisoners with their masters in London. The marquis of Huntley, Glengarry, Mr. Douglas, Ogilvy, and some others in Scotland, obtained their full pardon in regard of their having quitted the rebels in time. Some at London were liberated before trial, and others reprieved.

The prisoners taken at Dunblane and Dunfermline, and such as had surrendered themselves to the government at the termination of the rebellion, and were prisoners in the castles of Edinburgh, Stirling, and

Blackness, were conveyed to Carlisle, to be tried by a commission of oyer and terminer, appointed to sit there in November, 1716. Thirty-four prisoners were set at liberty, without being brought to trial; and one of these, John Paton of Grandham, is said to have delivered a speech, in which he said, "he had oftentimes heard of, but now felt, to his utmost joy and gratitude, the king's great generosity; and that eye had not seen, nor ear heard, the like before; but that he

and others were living witnesses thereof, which he said for himself, and he thought all the rest would assent to it, wishing his majesty and royal issue long life, and that he might ever be the darling of his people." Thirty-two of the prisoners being brought on their trial, pleaded guilty, and twenty-four of them received sentence of death, but no day was appointed for their execution. The rest were never sentenced, and all were finally set at liberty by a bill of indemnity.

CHAPTER V.

FROM THE SUPPRESSION OF THE REBELLION IN 1715 TO THE DEATH OF GEORGE I.

THE alarm and excitement of the rebellion were succeeded by a calm, and for a time the domestic history of Scotland is hardly anything more than that of its church, which had reaped considerable advantage from the imprudent disloyalty of its episcopalian opponents. As its fortunes rose, however, the Scottish church began to be torn by its internal divisions, and much of the time of the general assembly which met in 1716 was taken up with discussions on doctrines of which the orthodox disapproved. The principal object of the disapprobation of the assembly on this occasion was a Mr. Simpson, professor of divinity in the college at Glasgow, who was accused not only of Arminianism, but of jesuitism and socinianism. His case was left undecided at the end of the session, and was renewed in the general assembly of 1717. After much disputation and struggling between the two parties in the kirk, the rigid Calvinists and those who were more indulgent to Arminianism, Simpson escaped with a slight reproof, and a prohibition from publishing in future certain "hypotheses" which were not orthodox. At the same time the presbytery of Auchterarder was rebuked because, in their zeal for Calvinism, they had deprived of a license to preach a Mr. Craig, because he would not subscribe to a proposition which was at least very equivocally worded.

The services of the duke of Argyle and his brother the earl of Islay in repressing the rebellion, seem to have met with an

ungrateful return, for we find them in the following year under the displeasure of the king, who deprived them both of their offices. That of commander-in-chief in Scotland was given to general Carpenter; while the earl of Islay's office of justice-general was conferred on the duke of Montrose. This proceeding gave new hopes to the jacobites, who were for the while able only to intrigue abroad, but who imagined that Argyle and his brother might now be brought over to their party. A quarrel between the British monarch and Charles XII. of Sweden offered them the opportunity of a new intrigue, and that king made secret preparations for assembling a large force at Gottenburg, which was to be landed in Scotland for the purpose of raising the pretender to the throne of Great Britain. The indiscreet conduct of the pretender soon revealed the secret, and king George (who was at this time in Hanover) hastened back to England, and caused the Swedish resident in London, count Gyllenburgh, to be placed under arrest, and his papers seized. A protest was entered against this breach of the usual law of nations by the other foreign ministers in London; yet this did not hinder the estates of Holland from following the example of the English court, and baron Gortz, the Swedish minister there, was also arrested. The papers of the two ministers, which were laid before parliament and printed, revealed the whole of the plot for raising a new rebellion in Scotland. The

king of Sweden now proceeded openly in his design, in which he was joined by Peter the Great of Russia and by the king of Spain, under the influence of cardinal Alberoni, who both declared their intention to support the cause of the pretender. Against this confederacy, king George entered into a treaty with France and Holland, which was followed by a declaration of war.

This plot received very little assistance in Scotland, where the jacobites were depressed and crippled by the consequences of their late insurrection, while their chiefs were in prison, many of them under sentence of death. More than one attempt by the earl of Mar to obtain a contribution from them for the objects of the Swedish design failed, yet the English government gave new cause of discontent by the method in which they disposed of the forfeited estates. Much of the lands of the attainted rebels was in the hands of creditors, by the old process of the law of Scotland, which provided that no conviction or attainder should exclude the right of any creditor remaining peaceable from his just debts, if the latter were contracted before the commission of the crimes. As might be expected, many such claims were collusive, and were set up by friends or relations of the condemned; but the judges of the court of session, who felt compassion for the sufferers, approved them all, and factors were appointed to receive the rents of the most considerable of those estates which they sequestered for that purpose. The court had appointed commissioners for managing the forfeited estates, who had summoned these factors to pay the proceeds of the estates into the exchequer; but the factors refused obedience, alleging the authority of the court of session, and the court, when petitioned by the commissioners to withdraw the sequestration, also refused, pleading the law of Scotland. The barons of the exchequer, likewise, declined interposing. As the only means of escaping from this difficulty, a bill was brought into the parliament which met in the November of 1717, which provided that all the forfeited estates should be vested in trustees, who were to sell them for the use of the public, to determine the claims of the lawful creditors, and to pursue measures for bringing more effectually into the exchequer the rents and profits of the estates to be so sold. This bill was obstinately resisted by some of the Scottish members, who urged that it was a direct infraction of the act of

union; and, as the great mass of the landholders engaged in the late rebellion were in embarrassed circumstances, few of the estates, if sold, would have paid their debts. The consequence was the complete or partial ruin of many who had hitherto been steady in their loyalty, some of whom were thus driven to join the enemies of the government, and eventually to run into desperate courses. The danger of this measure was earnestly pointed out to sir Robert Walpole by Duncan Forbes.

The czar of Russia appears to have taken no very active steps to assist the pretender, and before the end of the year 1718, the death of Charles XII. relieved the English government from all further fears on the side of Sweden. But Alberoni, who had embraced the cause of the pretender with great zeal, pursued his intrigues and resolved to be the instrument of restoring the dynasty of the Stuarts, and with it the Roman catholic religion, to Britain. With this object, at the close of the year 1718, he invited the duke of Ormond to Spain, for the purpose of concerting a plan of invasion. Soon afterwards the pretender himself was brought from Italy to Rosas, in Catalonia, from whence he was conducted under an escort of guards to Madrid, where he arrived on the 26th of March, and he was there lodged in one of the royal palaces, and acknowledged and treated by the whole court as king of Great Britain. The squadron, which had been fitted out for the invasion of the British dominions, under the conduct of the duke of Ormond, was waiting at Cadiz for orders to sail, and it put to sea immediately after the arrival of the pretender at the Spanish court, but a violent storm which it encountered off Cape Finisterre, and which lasted two days, dispersed it, and caused so much damage, that it was obliged to return to Spain. Thus the design of the expedition itself was defeated. Two frigates alone made their way to Scotland, and reached Kintail in Ross-shire on the 16th of April, where the earls of Marischal and Seaforth, and the marquis of Tullibardine, who were on board these ships, landed with three hundred and seven Spaniards and arms for two thousand men. The Spanish officer, disappointed at the small number of partisans who appeared to join them, was only induced to land by the urgent entreaties of the Scottish nobles. They first took possession of Donan castle, where they left a garrison of fifty men, and

the rest, having been joined by a small body of highlanders, marched to the pass of Glenshiel, where they determined to wait for the result of the exertions of their friends to raise the highlands. But the news of the arrival of the Spaniards soon spread abroad, and general Wightman, who was stationed at Inverness, was dispatched with a detachment of troops in pursuit of them. But as no communication had been made to the Scots before the expedition started, they were entirely unprepared for a rising, while, as the jacobites in Scotland had resolved not to declare themselves until they were assured that Ormond had landed with the whole force placed under his command, they were not likely to be drawn out by such a trifling demonstration as this. Accordingly, the invaders remained without receiving any material accession to their forces, until general Wightman approached, when the highlanders withdrew to Strachall, which was a more favourable position for resisting Wightman, as they were secure from the attack of cavalry. They held this position about three hours against the king's troops, and only abandoned it upon the approach of the artillery, when they dispersed among the mountains, keeping up for some time a running-fight with their pursuers. The king's troops had in this engagement twenty-one killed, and upwards of a hundred and twenty wounded. The loss of the highlanders was never known, but they carried off the earl of Seaforth and the marquis of Tullibardine among their wounded. The Spaniards had taken no part in the engagement, but remained at Glenshiel, where next day they surrendered at discretion.

In the parliament, which was sitting at the time of this weak attempt at invasion, a bill was brought in for placing certain restrictions on the royal prerogative with regard to the creation of peers of Great Britain, and for changing the system of the Scottish representation in the upper house. The proposals with regard to Scotland were, that instead of the sixteen elective peers to sit in the house of lords on the part of Scotland, twenty-five peers, to be elected by the king, should have hereditary seats in parliament, and be the peers on the part of the peerage of Scotland; that such twenty-five peers should be declared by his majesty before the next session of parliament; that nine of the said twenty-five should be appointed by his majesty to have immediate

right to such hereditary seats in parliament, subject to the qualifications requisite by the laws now in being; that none of the remaining sixteen so to be declared by the king or his heirs, should become sitting peers of the parliament of Great Britain, till after the termination of the parliament then existing, except such as were of the number of the sixteen peers then sitting in parliament on the part of Scotland and their heirs; that if any of the twenty-five peers so to be declared by the king, and their heirs, should fail, some one or other of the peers of Scotland should be appointed by the king, his heirs and successors, to succeed any peer so failing, and that every peer so appointed should be one of the peers on the part of the peerage of Scotland in the parliament of Great Britain, and so *toties quoties* as often as any such failure shall happen; that the hereditary right of sitting in parliament, which should accrue to the twenty-five peers of Scotland to be declared by the king, should be so limited as not to descend to females. This proposal met with violent opposition in the commons, and public opinion appeared to be so decidedly against it, that it was withdrawn after a second reading in the house of lords. In the next session, however, it was brought forward again, and was carried through the house of lords by a large majority, but it was thrown out by the commons.

In the midst of the political calm which now seemed to reign throughout Scotland, Lockhart of Carnwath, the stanch advocate of the exiled dynasty, hit upon a plan for giving that organisation to his party the want of which had often been the cause of disaster. He proposed to do this by the formation of a secret committee in Edinburgh, by which all his plans in Scotland were to be directed, and he was to give them full powers to overlook and direct his affairs in Scotland as they should judge from circumstances might be most beneficial to his cause. The plan was approved by the titular bishop of Edinburgh, who was considered as the head of the Scottish episcopalian party, and was communicated to the pretender; but James, with characteristic folly and in his jealousy of a prerogative of which he was not in possession, agreed to the committee, but refused to delegate to them the powers they required. James named on this committee, under the title of trustees, with the bishop and Lockhart, the earls of

Eglinton and Wigton, the lord Balmerino, Paterson of Preston-hall, captain Straiton, Henry Maule, lord Dun, Fotheringham of Powrie, and the laird of Glengarry. Meanwhile the bishop of Edinburgh died, and the college of bishops proceeded to supply the see, the holder of which was now considered by the nonconforming episcopalians as their primate. Their choice fell upon a man named Fullarton, who appeared to have been a zealous jacobite, for he was at once approved, and added to the list of trustees, by the pretender; who, however, returned a letter which implied a rebuke of the Scottish bishops for having dared to proceed to the election of a bishop without waiting for his orders. He said that, with regard to future promotions, he should consider it equally for his service and the good of their church, if, notwithstanding the distance between them, they proposed to him before proceeding to consecrate them, such persons as they might think worthy to be raised to the dignity of bishops, promising to pay every attention to their wishes. This was followed not long after by a mandate from himself, without having had any communication with the college of bishops, ordering them to receive as a bishop by his nomination, a Mr. Freebairn, a man who, according to the opinion expressed by them, was not "adorned with those qualifications of learning, good sense, and the like, so necessary in one of that station; besides, he was in no reputation either among clergy or laity." The college objected to James's nominee, and a dispute arose which helped to sow division among the party. James seems, indeed, to have possessed especial talent for dividing his friends, and he constantly took into his favour men without worth or capacity, and threw aside those who had risked and lost everything in their devotion for him. About the time of this dispute concerning the bishops, the earl of Mar, Seaforth, and the other chiefs of the rebellion who had escaped, were treated with more than neglect at the pretender's court, while Mr. Murray, whose chief recommendation was his servility, was taken into the ex-royal favour. Under his influence, the little discretion which had ever been found in the pretender's household was thrown aside, and even the jacobite committee in Edinburgh, which was to have been kept a profound secret, was blazoned abroad. Under these circumstances, the principal of the jacobite leaders abroad and at home, dis-

gusted with the ingratitude which had been shown to them for their services, and alarmed at the danger to which they were exposed by the indiscretions of the pretender's favourites, began to look out for opportunities of deserting his service and making their peace with the government of king George.

For two or three years after these events, the history of Scotland presents no feature of interest. For a part of this time the mind of the public throughout the whole island was chiefly occupied with the excitement of the South Sea scheme. The kirk was employed in a religious dispute of some violence, which divided the presbyterians into two parties. This dispute arose chiefly out of the publication of a new edition of a book, entitled *The Marrow of Modern Divinity*, written at Oxford by an English scholar, Edward Fisher, and first published in the year 1646. This book had been much praised by some of the most eminent of the Westminster divines, and a copy now falling into the hands of some of the ministers of what was called the evangelical party of the Scottish church, it was reprinted, with a recommendatory preface by Mr. James Hogg, minister of Carnock. The book had no sooner appeared in its new shape, than it was attacked violently by Haddow, principal of the new college at St. Andrews, who was looked upon as a leader of the other party in the kirk, and who stigmatised Fisher's doctrines as Antinomian. The discussion which followed caused the question to be brought under the notice of the general assembly in 1719, when a committee was appointed to examine the book. This they did in a very partial manner, and stringing together a number of disjointed passages, they gave a report so unfavourable to it, that, in May, 1720, the general assembly made an act prohibiting all ministers from recommending the book in any way, or saying anything in favour of it. The ministers of the evangelical party were extremely dissatisfied at this act, one consequence of which, however, was, that the book in question was much more extensively read than before. A certain number of ministers joined in a representation to the general assembly of 1721, stating their objections to the act of the assembly of the previous year, and praying for its repeal. This assembly was dissolved abruptly, in consequence of the illness of the earl of Rothes, the king's commissioner, and the

matter was left in the hands of the ordinary commission of the assembly, who held several conferences with the representers, as those who signed the representation were termed. Neither party, however, was willing to yield, and these conferences ended in the commissioners giving four questions to the representers, to which they required full and explicit answers. These were given; but the answers were never properly read to the assembly, which, in the following year, issued another act, confirming and explaining the former one, and caused the representers to be admonished and rebuked by the moderator. The representers presented a protest, which was not allowed to be read. They had already printed their answers to the queries of the commissioners, which were circulated and read with great eagerness. They presented a complete justification, and have been praised by subsequent divines for their soundness of theological doctrine.

The election of a new parliament in 1722, was the first occasion on which the jacobites showed any revival of activity, and it was very ineffective. The whig party everywhere carried the day, and in almost every instance the elections passed over with quietness. Hitherto, even the zeal and ability of Lockhart of Carnwath, the only leader of the jacobites at home who did not despair, had not been successful in bringing about any new combination of intrigues, and the recent changes in the political relations of the continental states, had deprived the pretender of all hopes of active support from any of them. Nevertheless, the pretender's petty court was busy originating new intrigues, and another plot was set a-going, in which two or three English noblemen were implicated. When the new parliament met in October, the king laid a statement of this plot before them, accompanied with papers, &c., relating to it. The most remarkable of these papers was a declaration of the pretender, as James III., king of England, Scotland, and Ireland, and addressed "to all his loving subjects of the three nations, and to all foreign princes and states," and its avowed object was to effect a lasting peace in Europe. The pretender's very singular proposal was, that king George should resign to him the possession of the throne of Great Britain, in consideration of which he stipulated to secure to him his hereditary dominions in Germany, suggesting "that in Hanover his incontestible right to the crown

would free him from the crime and the reproach of tyranny," and he represented "the delight of a calm undisturbed reign over a willing people, contrasted with a restless possession in a strange land, where authority forcing the inclination of the folks, could only be supported by blood and violence, eternally subject to fears and alarms." The house of lords passed a strong vote against this declaration, and it was ordered to be burnt by the common hangman. So great was the real, or pretended, apprehension of the court, that a camp was established in Hyde-park, and other rather ostentatious preparations for defence were made. Among the persons arrested were three noblemen, the duke of Norfolk, the lord North and Grey, and the lord Orrery; and Atterbury, bishop of Rochester, was tried and eventually condemned to perpetual imprisonment, which he exchanged for exile. These proceedings were accompanied with some rather oppressive measures against the Roman catholics. A bill was brought in and passed for raising a hundred thousand pounds upon their estates, for defraying the extraordinary expenses caused by the precautions against the jacobite plot; and another, obliging all persons, being papists, in Scotland, and all persons in Great Britain who did not take the oaths appointed for the security of the existing government, to register their names and real estates. This measure acted as a further check upon any activity of the jacobite party in Scotland.

The period of tranquillity which followed offered an opportunity for various attempts to improve the agriculture of Scotland, which had been in a very low state, caused in a great measure by the impediments thrown in the way of improvement by the old feudal tenures. In the year 1723, a society for the improvement of agriculture was formed at Edinburgh, which included the names of most of the leading men of the country. It held its first meeting on the 23rd of July, at Grey's house, Hope-park, and exhibited an abundance of zeal in promoting the object for which it was founded, but the difficulties it had to contend with were not easily overcome. Moreover, in the south, circumstances had caused a revolution in the system of farming, which was producing considerable distress. The high price which Scottish beeves fetched in the English market, rendered them far more profitable than the ordinary cultivation of the land;

and many of the landholders in Galloway broke up the small farms into which their estates had formerly been divided, and formed them into immense pastures, which were inclosed with fences, to keep the herds from mixing. To effect this change it was necessary to eject the small farmers, who, with their families, were thrown upon the world without a roof to cover them, and with no means of gaining a livelihood. It was observed that the jacobite landlords did all they could to increase the general distress, hoping to profit by the popular discontent. This revolution had been going on gradually for some time, but it was in this year carried to a much greater extent than before. Notices to quit their farms at Whitsuntide, 1724, had been given to so many, that in some instances the number is said to have amounted to as many as sixty in one parish; and their distress was so great that, driven to despair by the cries of their women and children, they rose simultaneously in Galloway, and proceeded to destroy the inclosures. They drew up and published a declaration of the causes which had impelled them to rise, in which they represented that "it was neither from motives of rebellion to the king's person, government, or succession, nor to break the bonds which God had appointed and the law of nature taught to be due from inferiors to superiors; neither was it to aspire to any higher station than what by the good providence of God pertained to them formerly, that they resisted. But they had thrown down some of these depopulating inclosures, as contrary to the word of God, which forbids all oppression; as dishonourable to the king, as if he, after having delivered them from the tyranny of foreign enemies, should leave them to be beggared and borne down by their fellow-subjects; and as destructive of the strength of the kingdom, by allowing whole baronies and country sides to be laid waste for the private interest of a few particular men." The sufferers on this occasion represented that portion of the population in which the presbyterian church had found the most constant support; yet the general assembly pronounced against their proceedings, and issued to them an "obtestation," urging them "to desist from such practices in time coming, and live quietly and orderly, in submission to the laws of the land and to their rulers, who are the ordinance of God." The assembly at the same time interceded with the landlords, wishing them

"to use the greatest tenderness towards a misled poor people, in order to reduce them to their duty." This, however, was done in the usual way by calling in the military and dispersing the rioters; and multitudes of unfortunate people were compelled to abandon their homes, of which their fathers had, in some cases, been tenants through many generations.

In other parts of the country, the corn-farms had their grievances and discontents also, and to these was added at this moment a resolution of the house of commons for laying an additional duty of sixpence per barrel on ale brewed in Scotland, instead of the malt-tax; and for taking away the bounty allowed upon the exportation of grain. At this time the corn-produce of Scotland was much larger than its home consumption, or than what was required by the foreign market, and various expedients had been proposed to correct the evil, among which one was to drink ale and Scottish-made spirits instead of foreign liquors. This new measure of parliament, therefore, threatened very ruinous consequences, and public meetings were held in the farming districts and elsewhere, and petitions sent to parliament against the bill, which was represented to be contrary to the act of union. Hitherto, although the Scots were liable to the malt-tax, it had been by agreement not imposed upon them; but the petitioners now said that, if it were necessary to raise additional supplies, they would prefer the malt-tax to the tax upon ale. The ministers yielded to these representations, and agreed to withdraw the project of a duty upon ale, for which they substituted a tax upon malt, rating it at one-half of that which the English paid, in consideration of the inferiority of the Scottish grain. This measure, after all, was far from giving universal satisfaction, and the brewers especially, who were generally maltsters at the same time, were strongly opposed to the tax upon malt. Those of Edinburgh applied to the court of session, and obtained an act allowing them to raise slightly the price of ale, so that the burthen would have been thrown upon the consumers; but in the meanwhile delegates from the brewers in different parts of the country arrived in Edinburgh to confer with the brewers there on a plan of evading the payment of the tax, and thus forcing the government to withdraw it. Their plan was, to enter their malt to avoid the penalty, but to desist from brewing, by

which they would avoid the tax. It was said that this plan, and the association to carry it out, were the secret work of the jacobites; and to them also has been attributed the industrious dissemination of a report that all the royal burghs in Scotland had associated together to refuse the malt-tax, which produced some disastrous events in the west.

The act was to take effect on the 23rd of June, 1725, and for some time before that day arrived there were rumours abroad in Glasgow that the resistance to the collectors would commence in that city, and that the house of their representative, Campbell of Shawfield, who had not opposed the tax in parliament, would be attacked. Although these rumours were in the mouth of everybody, and general Wade had sent two companies of soldiers to assist in case of disturbance, the magistrates adopted no precautions for securing the peace, and two of them left the town under circumstances which led to the belief that they did so by design. When the day arrived, the collectors, who were proceeding to survey the stock of malt on hand, found the streets so encumbered by the mob that they considered it unsafe to demand admittance anywhere, without some efficient support, and made demand for the military. The same symptoms appeared next day, and the military were ordered into the town. When this was known, the mob entered the guard-room, turned out the town officers who were preparing it for the reception of the soldiers, and after locking the doors carried away the keys. The troops soon afterwards arrived, under the command of captain Bushel, who drew them up in the street, and proposed to the provost, whose name was Miller, to break open the doors and enter the guard-room. But the provost pretended that this would only irritate the mob, without need, and he proposed to captain Bushel to send the soldiers into quarters; and to this, as it was raining and they were weary with a long march, the captain agreed. The provost, with the dean of guild, and some others, remained in the town-house till nine o'clock at night, and then adjourned to an adjoining tavern. About ten, news arrived that the mob had reassembled, and that they were attacking the house of Campbell of Shawfield. The magistrates immediately proceeded to the spot, which was at the farther extremity of the town, and found there a tumultuous assemblage of persons

armed with hammers and weapons of different kinds, and trying to break into the house. On the arrival of the magistrates they desisted for a moment, but having received reinforcements, they became more furious, and renewed the attack. At midnight, captain Bushel, informed of what was going on, offered the magistrates the assistance of the military, which was declined on the ground that as they were scattered singly in houses at a distance from each other, they could not be brought together safely for themselves. The mob were thus left completely masters, and they soon gutted the house, drunk the wines in the cellar, broke the windows and doors, and even the floors, and tore to pieces and destroyed the ornamental gardens.

After this work of destruction was completed, the mob dispersed, and next morning the streets presented a more peaceful appearance. The provost now took courage, and, breaking open the doors of the guard-house, gave possession of it to captain Bushel and his troops. He at the same time caused several of the principal rioters to be arrested and thrown into prison. This last act seems especially to have irritated the populace, and soon after it was known, a woman, or, as it was generally believed, a man in woman's clothes, was seen parading the streets with a drum. The mob, many of whom were drunk, immediately began to reassemble, and an immense crowd was soon collected, which proceeded directly to the guard-house, and there, according to the most trustworthy accounts of this affair, commenced a violent attack upon the soldiery with stones and brickbats. The troops fired with blank cartridge, but as this did not intimidate the mob, they were constrained at last to make use of ball, and a few of their assailants were killed or wounded. This only increased the fury of the rioters, who rushed to the town-house and, breaking open the doors, seized upon the arms which were there in store. They then rang the alarm-bell, and prepared to renew the attack upon the soldiers. The magistrates, whose chief fault appears to have been absolute incapacity, now lost their courage, and to avoid further mischief, the provost sent a message to captain Bushel, entreating him to leave the town, both for the safety of his own men, and as the only means of restoring tranquillity to the city. The captain's orders were to obey the provost, and he therefore had no alternative,

but marched out of the town and proceeded to Dumbarton. On his way he was followed about six miles by the mob, who pressed upon the soldiers so closely, that they were repeatedly obliged to turn back and fire, by which some of their pursuers were killed and wounded. Two of the soldiers were so roughly handled, that they were unable to keep up with their companions, but fell into the hands of the mob, and were carried back in triumph to Glasgow. There one of them escaped, and it must be recorded to the credit of the populace that the other, instead of being further ill-treated, was carefully nursed until he was able to rejoin his regiment.

It happened fortunately for the preservation of order, that general Wade was then in Edinburgh, though the troops were not in immediate condition for active service, and the horses of the cavalry, as was the custom at that time when they were not on service, were sent out to grass. However, without delay, he mounted two regiments of dragoons, and with these, a strong body of foot, and a train of artillery, he hastened to Glasgow. He was accompanied by the well-known Duncan Forbes, who, holding the office of king's advocate, went to take legal precognition of the circumstances of the riot. Forbes committed some of the inferior agents in these disturbances to stand their trial for felony, and he also imprisoned the magistrates on the charge of having favoured and encouraged the mob by their conduct; but, as there was some doubt on the legality of the latter proceeding in consequence of a decision of the lords of the judiciary that since the union the king's advocate had no longer the power of proceeding against the magistrates in this manner, he made out the warrant as one of the justices of peace for the county of Lanark as well as in that of king's advocate. The magistrates were, however, sent under a guard to Edinburgh; but there their entry assumed almost the appearance of a triumph, for they had been accompanied on the road by about forty of the principal merchants of Glasgow, and they were met at a short distance from the town by a number of gentlemen who joined in the procession, for the brewers of the capital had taken the greatest interest in the proceedings at Glasgow. The Glasgow magistrates were confined for a short time in the tollbooth, and then, upon a petition to the judiciary, they were set at liberty. The government, aware that this tumult

was a mere temporary outburst without any ulterior design, and not sure of the result of the prosecutions, thought it best to drop them, especially as it was evident that the magistrates had acted chiefly through want of judgment, and not through any real wish to encourage the mob. The inferior agents were publicly whipped through Glasgow, and then banished; and, as a lesson for the persons who were chiefly the cause of the riot, compensation to the amount of six thousand pounds sterling was awarded to Campbell of Shawfield for the damage done to his property, which was to be levied by a tax on all ale brewed within the city, a tax which has continued since. The magistrates attempted a criminal process against captain Bushel, but this was not allowed to proceed, and the king marked his approbation of his conduct by promoting him to the command of a troop of dragoons.

All forcible opposition to the malt-tax was now abandoned, but the brewers still persisted in their plan of forcing the government to withdraw the tax by discontinuing to brew, and the jacobites made sure that the whole revenue of the excise would be destroyed. This question was tried in Edinburgh, where, when the lord advocate required them to carry on their business, they made reply that they would continue to brew as long as their stock in hand lasted, but that, if any attempt were made to force them to pay the duty, they would immediately shut up their breweries, adding that they were ready to go to prison rather than comply with his requisition. The lord advocate then entered a complaint against the Edinburgh brewers before the court of session, charging them with illegal combination, and requiring that they should be compelled to continue their trade as heretofore until the 1st of November, and that for three months after that date none of them should be allowed to leave off brewing until fifteen days after he should have given notice of his intention by a public notary to the magistrates of Edinburgh. The court issued a summary citation, under the act of sederunt, requiring all the brewers to appear before them next day, when each was to oblige himself by a bond to comply with the act under the penalty of a hundred pounds sterling. The brewers now presented a petition, in which they represented that "to require private persons to enter into a bond under a penalty, was a grievance complained of by the claim of right; and to

compel them to follow an employment to their loss, was authorised by no law, and justified by no precedent; that the brewers during the vacation brewed less, and the retailers sold less, than during the session;" and they urged further, "that if their lordships obliged them to brew an equal quantity any one month after to what they did the month preceding, they ought in fairness to pass another act, to oblige the retailers to buy, and the lieges to drink, as much each succeeding month as they have done for a month before, and make them severally find caution for the same." This petition was rather summarily disposed of by the court, which, considering it to be insulting in its language, ordered it to be burnt by the common hangman. They then called the brewers to the bar, but, with a single exception, these refused the bond. An order was then made that all who did not comply before the 10th of August, should then be committed to prison, to remain in confinement until the 1st of November, unless before that time they had subscribed the bond. Soon after this, the earl of Islay arrived in Edinburgh, and the brewers were then, at the instance of the commissioners of excise, summoned before the justices of the peace, to make payment of the duty on the malt on hand. They immediately closed their establishments, and stopped business; upon which four of the principal brewers, Cave, Lindsay, Scott, and Cleghorn, who were considered the ringleaders, were thrown into prison. The authorities, however, had recourse to persuasion, and avoided further violence; and after several pamphlets had been written on the subject, and much expostulation by the earl of Islay, the brewers themselves saw the inutility and folly of further resistance, and submitted.

The moderation employed by the government on this occasion was shown in all its other transactions in Scotland, and contributed materially to the facility with which the highlanders were reduced to obedience; for the jacobites made sure that the order for disarming the highlanders would be productive of serious disturbances, of which perhaps they might themselves take advantage. A camp was therefore formed at Inverness, and a sufficient force concentrated there to overawe all attempt at resistance; but general Wade, who was guided by the councils of Duncan Forbes, acted in every case with the utmost gentleness. Forbes was intimately acquainted with the character of the high-

landers, and none knew so well how to treat with them; and it would have been well if his councils had been always acted upon. Wade, on the present occasion, was furnished with full authority to promise pardons to all who had not been attainted by act of parliament, and even these were encouraged to hope. Before he left Edinburgh, he called together the principal persons connected with the highlands who were then in the capital, and pointed out to them the advantages of speedy and unhesitating submission, showing them his commission for granting pardon and indulgence, and telling them that, in case of good behaviour, even the exiled chiefs would in due time be restored. Among these latter was lord Seaforth, who, discontented with the pretender's court, was already in negotiation with the government of king George, and this was no doubt well known to his clan. When Wade was with the camp at Inverness, in the month of August, 1725, the chiefs of the clan who were at home, namely, the lord Tarbet, sir Colin Mackenzie of Coul, and sir Kenneth Mackenzie of Cromarty, with some fifty gentlemen of the name, waited upon him in the name of the rest, who they said were only held back because they did not know how they would be received. He represented that they had for several years past, while their chief was in exile, been accustomed to pay their lord's rents to his agent, Daniel Murdockson, and that they were unable to pay them a second time, but that if they were relieved from all danger of this, they would surrender their arms and live peaceably, and in future pay the rents to the government. Wade received them in the most engaging manner, and treated them for several days with great hospitality, assuring them that their wishes should be complied with, and giving them hope that on the meeting of parliament the earl might be restored to his estates. In arranging the ceremony of delivering up their arms, Wade also indulged the feelings and prejudices of the Mackenzies. Six independent companies of highlanders had been raised by the government, commanded by native officers, and they were encamped with the regular troops, but intended to be employed especially in the duty of disarming the others. The Mackenzies were unwilling that these highlanders should be present at their submission, and they wished that ceremony to take place at the castle of Brahan, the chief residence of the earl of

Seaforth. Accordingly, on the day appointed, the 25th of August, Wade proceeded, with a detachment of two hundred regular troops, to Brahan castle. The various bodies of the clan assembled severally in the neighbouring villages, and one after another marched in order up the avenue to the castle, where they laid down their arms in the court-yard, and then passed on. The number of arms thus surrendered amounted in all to seven hundred and eighty-four. After the ceremony was over, general Wade entertained the chiefs of the clan at dinner, and the remainder of the day was passed in the utmost cordiality and good feeling. The example of the Mackenzies produced a good effect on all the other clans. The Macdonalds of Glengarry, the M'Leods of Glenelg, the Chisholms of Strathglass, and the Grants of Glenmorriston, delivered up their arms at Killyhuimen, or Fort Augustus; the Gordons and Macphersons at Ruthven in Badenoch; the people of Skye at Bernera; those of Mull at Castle Duart; the Macdonalds of Kepoch, Moidart, Arisaig, and Glencoe, and the Camerons and Stuarts of Appin, at Fort William; and the Mackintoshes at Inverness. The whole highlands were thus reduced before the commencement of October, when the regular troops were sent into winter quarters. Lord Lovat's highlanders were appointed to guard the passes between Skye and Inverness; those between Inverness and Dunkeld were entrusted to colonel Grant's highlanders; while the others, as far west as Lorn, were left to sir Duncan Campbell; and divisions of each of these clans were posted at Fort William, Fort Augustus, and Ruthven. A chronicler of these events has informed us that "many of the men who composed these companies were of considerable station—cadets of gentlemen's families, sons of gentlemen farmers and tacksmen, either immediately or distantly descended from gentlemen's families, young men gladly availing themselves of the privilege of engaging in a profession which relieved them from the sense of degradation and dishonour attached to the idea of being disarmed; many of the privates had *gillies* or servants to take care of their provisions and baggage."

The southern highlanders, while they were no less prompt in submitting, acted with greater cunning. Instead of keeping their arms to deliver them up, they either sold them, or took them to smiths, who

made of them implements of a more peaceful character; and all the arms delivered up to general Wade, amounting in number to less than three thousand, were estimated by him at their value in old iron. The whole of the highlands were thus reduced under obedience to the government, and, as they had so recently experienced the sufferings of a rebellion in a weak cause, and were now enjoying the advantages of greater indulgence than in the usual course of things they had any right to expect, there was every reason to suppose they would continue in obedience to the government.

This pacification of the highlands offered a favourable opportunity for renewing the attempt to spread civilisation through those wild regions, and a plan for this purpose was warmly taken up by the general assembly of 1725, and was encouraged by the king. It was represented that one of the main causes why "popery and ignorance prevailed in the highlands and islands" was the great extent of the parishes, which prevented the regular ministers "from visiting their parishioners as they ought, and giving such instructions as was necessary to enlighten them and arm them against the practices of the many popish priests that resort thither, in order to pervert and seduce them." It was proposed as a remedy, that itinerant teachers and catechists should be employed to assist the ministers in the highlands; and the king placed at the disposal of the assembly the sum of a thousand pounds annually for the support of such itinerant ministers.

The pretender imagined that the attempt to disarm the highlanders would meet with an obstinate resistance, and he urged the exiled chiefs to return immediately to Scotland in order to place themselves at the head of a new insurrection; nor would he listen to their representations that the consequences of such a proceeding must be the utter ruin of all his friends. On the contrary, he tried to deceive his partisans in Scotland, by telling them that their exiled brethren were in favour of an immediate rising, and assured them, although he knew it to be false, that a very powerful foreign force would be sent immediately to their assistance. The Scots, however, this time refused to rise, and they suggested to him that the foreign force would be better employed in attempting to make an impression upon England than among the mountains of the north. But a new scheme was now

started, more ridiculous than any of those which had gone before, the plan of which was, that the chevalier was to obtain the assistance of the emperor of Austria, with which he was to take possession of Hanover; and it was calculated that king George's love for his hereditary dominions was so great, that he would willingly relinquish the crown of England to get them back! Amid wild projects like these, the more sensible adherents of the pretender became so disgusted with his heartlessness and incapacity, that they began to desert his cause. Among the first to set the example of defection were lord Panmure and the young duke of Hamilton; and, after Lockhart, there were very few in Scotland who continued to feel any zeal in his cause.

The scandal of his household and court, which was now made public, did much towards estranging the pretender's friends. Mar, who, after the last rebellion, had held the office of secretary of state to the "king," as the jacobites termed the pretender, had been supplanted in favour and office by his brother-in-law, colonel Hay, a man of little principle or talent, but who had gained an influence over the weak mind of the pretender through his wife, a beautiful intriguing woman. Hay had been raised by the pretender to the peerage, and he and his wife enjoyed at the exile's court the title of earl and countess of Inverness. In the summer of 1718, the pretender had married the princess Clementine, grand-daughter of the celebrated John Sobieski, king of Poland, who bore to him, at Rome in 1720, a son named Charles Edward, who inherited his father's pretensions to the English crown. Clementine was naturally jealous of the intimacy between her husband and the countess of Inverness, and her indignation was excessive when she found herself treated with contempt and insult by the favourites. She therefore allied herself closely with the earl of Mar and his party at court, where she remained until the young prince Charles Edward, who had been entrusted to the care of Mrs. Sheldon under her own eye, had reached his fifth year. He was then, by his father's orders, taken from the care of Mrs. Sheldon, and given in charge to lady Inverness's brother, James Murray, whom the pretender had created earl of Dunbar, with strict orders that he was never to be allowed to visit his mother alone. Clementine remonstrated indignantly, and demanded that the fa-

vourites should be dismissed from court; and when this was refused, she went away herself, and took shelter in a convent. Her husband immediately published a memorial against her, in which he accused her of obstinacy and disobedience, defended and justified his favourites, and excused his conduct in taking away her son by the plea that he was master of his own family and children. His wife not only replied to this defence, in a printed letter which was very severe on the earl and countess of Inverness, or, as she called them, Mr. and Mrs. Hay, but, as they were protestants, she complained to the pope, who espoused her cause. But the chevalier only expressed his indignation at the pope's interference, and declared loudly that no one had a right to judge of his conduct but himself.

The scandal occasioned by these family quarrels was very injurious to James's cause in Scotland, which was not improved by a dispute that arose soon afterwards among the episcopalian clergy, arising out of a division of opinion with regard to the election of bishops. One party, which leaned most towards the church of Rome, and seems to have answered nearly to our modern Puseyites, asserted that the election of bishops belonged to the presbyters, with the consent of the people, and that the king ought to have no control over it; while the other party held that the nomination of the bishops belonged solely to the king. The two parties came at length to an open collision, on the occasion of choosing a successor to Fullarton, bishop of Edinburgh, in 1726. The king had nominated to the see a minister named Gillane, but another minister, of less respectable character, named Miller, had put himself forward as a candidate. The presbyters of the episcopalian party in Edinburgh, who appear to have been rather lax in their morals, and are said to have feared that Gillane would be a strict disciplinarian, were mostly in favour of his rival, and a remonstrance against him, signed by about twenty of them, was prepared for presentation to the college, though for various reasons it was not presented. So great, however, was the outcry against the king's nomination, that the consecration of Gillane did not then take place.

Soon after this, Lockhart, who had been much annoyed at the division among the episcopalians, and warmly advocated the pretender's right to nominate Gillane, was obliged to leave Scotland. Lockhart took

part with the queen and the earl of Mar, and had expressed his sentiments rather plainly in some of his letters to the chevalier, in revenge for which, it is supposed, the earl of Inverness, who was in secret communication with the English government, gave information to them of a packet of letters addressed to Lockhart from the pretender's court, and containing plans for a new invasion. The vessel which carried these despatches from Rotterdam to Leith was boarded by a revenue cutter as it entered the Firth of Forth, and the packet of letters was seized. Lockhart received timely intelligence of his danger, and succeeded in making his escape to the continent, but the agents who conducted the correspondence were arrested and carried to London, where one of them made a full confession, which is said to have seriously compromised several of the Scottish nobles. When Lockhart was gone, there was no longer a check upon the divisions of the episcopalians, and bishop Fullarton dying soon afterwards, the one party elected Miller to be his successor, while the college nominated bishop Fairbairn to manage the diocese, which they

considered as being vacant. The quarrel was carried on with so much bitterness, that it could not be kept secret, and the actors in it only remained unmolested because it was wisely resolved to let the jacobites ruin their own cause.

Unfortunately, the divisions among the presbyterians were increasing rather than diminishing. The contest between the evangelicals and their opponents still raged, and the mode of electing ministers to vacant parishes was approaching more and more towards the old character of patronage. In the general assembly of 1726 a new charge of preaching unsound doctrine was brought against professor Simpson, and the affair having been referred to a committee, was continued in the assembly of 1727. It ended in his being treated at this time leniently; but the assembly, before it separated, drew up an urgent memorial on the indiscreet proceedings of the episcopalians, to whom and their recent doings they called the particular attention of the civil government. Such was the state of affairs in Scotland, when George I. died at Osnaburgh, on the 11th of June, 1727.

CHAPTER VI.

STATE OF SCOTLAND IN THE EARLIER PART OF THE REIGN OF GEORGE II.; THE PORTEOUS RIOT.

THE news of the death of king George I. found the pretender at Bologna, where he had just been compelled by Mar's party at his court to dismiss the earl of Inverness, and where he had agreed, apparently with equal reluctance, to a reconciliation with his wife, who was preparing to rejoin him in that city. But his expectations were so absurdly elevated by this new event, that he postponed the reconciliation, and, much against the advice of the wisest of his friends, left Bologna for Lorraine. On his way, he wrote a letter to Lockhart, explaining to him the cause of his sudden journey. "As soon," he said, "as I heard of the elector of Hanover's death, I thought it incumbent on me to put myself in a condition of profiting of what might be the consequences of so great an event, which I was sensible I could never do at so great a

distance as Italy; and that made me take the resolution of leaving that country out of hand, and drawing nearer to England, that I might be in a readiness, without loss of time, to profit of any commotion that might ensue in Great Britain, or of any alteration that might happen in the present system of Europe on Hanover's death. At the same time that I left Italy, I dispatched expresses to Vienna, Madrid, and Paris, and have already received the return of that to Vienna, by which it is very plain that the emperor would be very desirous that I could be in a condition of making an attempt without any foreign force, and would not even obstruct my passing privately through his dominions for that effect, though his ministers declare, at the same time, that since the preliminaries are signed, he cannot give me any assistance. The answers from

France and Spain are not yet come, but, when they do, it is to be expected that they will not be more favourable, so that for the present no foreign assistance can be expected; but with all that, the present conjuncture appears so favourable in all its circumstances, that had I only consulted my own inclination, I should certainly, out of hand, have crossed the seas and seen, at any rate, what I could do for my own and my subjects' delivery; but as on this occasion I act for them as well as myself, and cannot hope, without their concurrence, to succeed in what I may undertake in our mutual behalf, I find myself under the necessity of making no further steps without their advice. It is true the disadvantages I lie under are great and many; I have but a small stock of money, scarce sufficient to transport what few arms I have, and what officers I may get to follow me on this occasion. I am sensible that it is next to impossible that a concert should be established among my friends at home, such as would be sufficient for arising in arms in my favour before my arrival, and, by what is said before, the little hopes of foreign assistance will be sufficiently seen; but with all this, many arguments may be brought to authorise our undertaking, which at first sight might appear rash. Our country is now, whatever the outward appearance may be, in great confusion and disorder; the people have had time to feel the weight of a foreign yoke, and are nowise favourably inclined towards the present elector of Hanover. That concert, vigour, and unanimity, which does not precede my crossing the seas, may attend and follow such an event; and if the chief great powers in Europe are not all my declared friends, there is not one that is my enemy, and that has not a particular interest to wish me on the throne; and were I in person in Britain, at the head of even a small number of my own subjects, it might naturally alter very much the present system of some or other of them during the time of the congress; but should it once meet, and affairs be adjusted there on the foundation of the quadruple alliance, foreign affairs will take quite another face, and in all probability would long remain so, whilst the present elector of Hanover and his son might have time to ingratiate themselves with the English nation. So that, all put together, it must be concluded, that if the present conjuncture be slipped, it cannot be ex-

pected that we ever can have so favourable a one for acting by ourselves, and that we run the risk of allowing the general affairs of Europe to take such a turn as will probably incline most of the chief powers of Europe to be less favourable to us than they are at present, so that whatever is not absolutely desperate ought certainly to be undertaken, and the sooner the better. I desire, therefore, that you may seriously think on this matter, and let me have your opinion as soon as possible, and if my going into England be not advisable, whether my going to the highlands of Scotland might not be found proper."

The pretender had sent this letter by a confidential messenger, Allan Cameron, whom he had entrusted with his views and reasons, and who was to confer with Lockhart on the subject. Lockhart seems to have suspected at first that this was a plan of Inverness's to betray his master into the hands of his enemies, and he was not much encouraged by the information that the favourite, although not actually with the pretender, was near enough to be his private adviser. Lockhart knew that Cameron was well acquainted with the highlands, and he asked him whether he really believed that the highlanders would rise generally at that moment, or if it were possible for them to rise without arms or ammunition. Cameron replied, that "he could not say they all would rise, but certainly some would; and as for arms, ammunition, and money, they might be sent after his majesty, who, he did not doubt, might be able to make a stand for some months at least." Lockhart again asked Cameron, how he, who knew the state of the highlands, could advise "the king" to enter upon such a mad enterprise, the only result of which would be the utter ruin of his friends. "The king might indeed expect that some would venture all in any undertaking when his majesty was personally present; but as matters stood, these would not be numerous, and a majority would consist of a parcel of idle fellows who might be induced by the hopes of plunder to repair to his banner, but in time of need would leave him to the mercy of the government forces, which would be poured into the highlands to ravage the country and exterminate the inhabitants. A pretext only was wanted, which an ineffectual rising would give, and they who advised it either did not know the true state of the

king's affairs, or betrayed him, being weary of his service, or in correspondence with his enemies." Cameron made no reply to these remarks, but said merely, "that the king was of another mind, and keen to be at it, and wished to know if he would accompany him;" and Lockhart finally dismissed the messenger, with a letter to the pretender, in which he strongly urged upon him the madness of such an attempt as that he proposed. This, perhaps, might have had little effect, but the pretender's courage seems by this time to have cooled, and he soon afterwards proceeded to Avignon, where he ordered his wife to join him. She had, however, now received information which led her to suspect the reception she would receive, and to decide on remaining where she was. Her husband published a new declaration of her conduct, to which she gave an apparently very sufficient reply; but all the efforts of Lockhart and other friends of the pretender to effect a domestic reconciliation, were in vain.

Nor was Lockhart more successful in his attempt to open the pretender's mind on the treachery of his worthless favourites, which, indeed, seemed only to increase his confidence in them. Having received distinct information on the subject from England, Lockhart wrote to the prince, "I received lately information from a particular friend, that he was assured that the ministry of London were masters of copies of most if not all the cyphers by which you, and such as are employed under you, correspond with your friends in Britain or elsewhere, and that by one of these they unciphered the letters lately seized in Scotland;" and he hinted pretty distinctly at the source from which the cyphers had been obtained. James, however, was still deaf to everything disadvantageous to his favourites, and, in allusion to this information, he told Lockhart in a letter in reply, "I own to you it did not give me much uneasiness, for I was very sure of my secrets while Inverness served me, and I hope I am not less so now. The English government of late has been very solicitous to make people believe that my secrets are betrayed, since they are sensible that such a persuasion must create great diffidence towards me, and by consequence much distress my affairs, and therefore it must always be of use to me to remove such jealousies." He further expressed his wish "to know who was the person that gave you these informations,

and I wish you would learn from him who were his informers, and the way it is pretended the English government get my cyphers, and what particular ones they pretend to have." Lockhart naturally declined to give this information, and he wrote rather coolly, expressing himself "extremely glad to learn that his majesty had such good reason for not believing that he was betrayed;" though he himself felt confident of the truth of his information. Lockhart's jacobite zeal had indeed now subsided in a very sensible degree, and, disgusted with the conduct of the pretender and his court, he determined to take advantage of the efforts of some of his friends at home to make his peace with the government of king George. He therefore closed his correspondence with the exiled prince in a letter in which he expressed very plainly his opinion of his conduct, and to which no answer appears to have been returned. His application to the English government was successful, through the intermediation of the duke of Argyle, the earl of Islay, and Duncan Forbes, and, having obtained, in 1728, permission to return to Scotland in safety, he retired entirely from public life. He penned at that period the following character of the old pretender, which is the best justification of his retirement:—"The king (*i.e.*, the pretender) I am afraid daily loses ground: he began the world with the general esteem of mankind; every person, friend and foe, allowed (*believed*) him to be a wise, sober, just, good-natured prince, of great knowledge and application in business; and such as knew him, both foreigners and subjects, concurred in portending the happiness of the people over whom he should rule, and this character he maintained whilst the duke of Mar was at the head of his affairs after his return from Scotland. 'Tis true he was thought to put too much trust and show too much favour towards his grace, so as all matters were directed solely by him, whereby the duke of Ormond and several other persons of quality thought themselves slighted and retired from the court; yet still affairs were managed with a good decorum and dexterity, and several well-laid projects carried on, and prudent negotiations set on foot, and people excused the king's having a bias towards a person that had made so great an effort for him, and who was certainly a very able minister, though not free from that ambition which overrules the minds of most statesmen, by

endeavouring to monopolise all power into their own hands. But soon after Mar's removal, his majesty's character and affairs appeared in a quite different light; great blunders were committed in the execution of affairs in Scotland (and the same was alleged and may be reasonably supposed elsewhere), so that people soon saw that they were not carried on with the dexterity and secrecy as formerly; but that which struck the nail on the head was his allowing these his favourites—which seems to be a curse in a peculiar manner entailed on the royal race of Stuart—to rule under him in so absolute, arbitrary a manner, that for their sake, and on their account, the prerogatives of a sovereign and a husband are screwed up to a pitch not tenable by the laws of God or man, or consistent with prudence; in so far as the royal consort, the mother of the royal issue, and subjects of the best quality and merit, who had served the king with their blood and fortunes, are trampled upon and abused by a parcel of people who never were nor will be capable to do the king any material service, and are contemptible in the sight of all who know them; and at last forced to seek a sanctuary in some other place, and on that account deprived of the small pensions they received for supporting themselves after having lost all for their king. And as all these continued steps of unaccountable proceedings were contrary to the repeated prayers and remonstrances of his majesty's best friends, princes, and subjects, they gave the world a very unfavourable opinion of his prudence, justice, honour, and gratitude, and highly discouraged such as were inclined and capable to advise and serve him, and created a universal despair of ever seeing a probability of better days. And thus whilst no party is acting for his interest, no projects formed, nothing done to keep up the spirits of the people, the old race drops off by degrees, and a new one springs up, who, having no particular bias to the king, as knowing little more of him than what the public newspapers bear, enter on the stage with a perfect indifference, at least coolness, towards him and his cause, which consequently must daily languish, and in process of time be totally forgot."

There was nothing in the condition of Scotland at the time of the death of George I. to give the slightest encouragement to such a project as that on which the pretender was going to act. The new king made a

public declaration of his determination to protect the presbyterian church as then established in Scotland; and the commission of the general assembly presented a petition which was full of warm expressions of confidence and loyalty, and which was afterwards approved and repeated by the assembly itself. "Our preservation," they said in this address, "depends so evidently upon your undoubted title to the imperial crown of the realm, that though the popish pretender to your majesty's throne, in public papers and declarations, has often attempted to delude others with the vain hopes of protection, should his arbitrary and tyrannical government take place over this island, yet not the remotest insinuation either was or could with any colour be made in favour of our church, so inseparably are our duty to your majesty and our interest connected together."

Unfortunately, however, as the political state of the country became more calm, the agitation in the church increased, and within the space of two or three years it was carried to a height which was dangerous to the peace of the community. The case of professor Simpson was continued through the general assembly which met in the month of May, 1728, and he was shown to have taught in his lectures certain points of doctrine which were not consistent with the divinity of Jesus Christ. The friends of Simpson were numerous and influential, and, after his case had been debated lengthily and obstinately, judgment upon it was left at the end of the session to the next general assembly, which was to meet in May, 1729. The case had meanwhile been submitted to the presbyteries, and the general opinion was in favour of a severe sentence against the professor, whose friends and the moderate party in the kirk strained every nerve to save him. The case was debated in the assembly during eight days, and in the end the moderate party carried their point that it should be referred to a committee to bring in an overture, which was simply to approve of the previous proceedings. The committee wished this to pass as the unanimous voice of the assembly, without putting it to a vote, and the assembly appeared inclined to acquiesce; but when the moderator asked if the assembly were agreed, after a short silence in which nobody seemed inclined to answer in the negative, Mr. Thomas Boston rose and said, "I find myself laid under a necessity of de-

claring my dissent from this decision of the assembly, as I think the censure inflicted by it on professor Simpson is not adequate to the offence he has given as to the points of doctrine that have been proved he taught the students under his care, and have been found relevant to infer censure. I cannot help thinking, sir, that the cause of Jesus Christ, as to the great and essential point of his supreme deity, has been at the bar of the assembly requiring justice; and as I am shortly to answer at his bar for all I do or say, I dare not give my assent to the decision of this act; on the contrary, I find myself obliged to offer a protest against it, and, therefore, in my own name and in the name of all that shall adhere to me, I protest." Then, after a pause, in which he cast his eyes solemnly round the room to see if any supported him, he added, "and for myself alone, if nobody shall adhere." The moderator tried to persuade him to desist from breaking the unanimity of the assembly, but in vain, and he read his protest as follows:—"I dissent, as judging it, inasmuch as it doth not bear a disposition of Mr. Simpson from the office of the ministry of teaching and preaching the gospel of the blessed God, to be no just testimony of this church's indignation against the dishonour done by the said Mr. Simpson to our glorious Redeemer, the great God and our Saviour, and what hath been found both relevant and proved against him by the two immediate general assemblies; and judging the same also not to be agreeable to the rule of God's word in such cases, nor to the form of process established in this church, to be saddening to the hearts of the generality of ministers and godly through the land, and not sufficient to dash the hopes of the proud contemners of revealed religion and the awful and incomprehensible mysteries of the same, both at home and abroad; nor a fit means to bring the said Mr. Simpson himself to repentance; whereof as yet he hath given no evidence. All which shall be fully manifested to the world, if need be." The moderator again expostulated with him on what he described as a course likely to create division in the church, and Mr. Boston was prevailed upon to delay the insisting upon it, on the assurance that he could revive his protest on any other occasion. At the next meeting, however, he insisted upon giving in his protest, but he yielded to the wish of the assembly that it might not be recorded, thus setting an

example of an irregularity of proceeding which was afterwards productive of much confusion.

The affair of professor Simpson ended here, but the dissatisfaction created by it continued in the church, and soon found other occasions of showing itself. The commission of the assembly, or the body which was left to act in the assembly's name during the intervals between the yearly meetings, had become the real governing power in the Scottish church, for it influenced all the decisions of the assembly itself, and virtually did its work for it. It consisted nominally of all the members of the assembly; but thirty-one, of whom twenty-one must be ministers, formed a quorum, and this was naturally formed by the ministers and others who lived at or nearest to Edinburgh. The moderates, or those who had supported Simpson, had from circumstances a majority in this commission, and they thus exercised an overpowering influence in the management of church affairs, and were able to overrule the opinions and wishes of the stricter presbyterians in spite of their numbers. This was especially the case on the occasion of the settlement of vacant parishes, where, according to the law of patronage, ministers were now constantly intruded who were not agreeable to the wishes of their congregations, and the table of the general assembly was covered with the petitions of the presbyteries against them. These petitions were handed over to the commission, which generally enforced with rigour the appointment of the minister in defiance of the appeal of the presbytery. In the assembly of 1730 there was a case of this kind, that of the parish of Kinross, which eventually was the cause of great divisions, and several acts of the assembly, of no great importance in themselves, contributed by their spirit to keep these divisions alive. The assembly of 1731 remitted the case of Kinross to the commission, and at the same time, urged by the clamour about the settlement of parishes, they transmitted to the different presbyteries for consideration a proposal for a plan of filling up the vacant parishes which fell into their hands *tanquam jure devoluto*, to be adopted until the enactment of a regular law. This plan was, that the presbyteries should appoint one or more of their number to meet with the heritors, being protestants, and the elders, and they were to elect and call one to be their minister, whom they were to propose to the

whole congregation, to be by them approved or disapproved; the disapprovers being required to produce their reasons to the presbytery of the bounds, by whom the entry of the minister was to be determined. In the case of Kinross, one Mr. Francis Craig had been called to the charge by the congregation, but the presentation had been given to a Mr. Stark, who had scarcely a vote in his favour, in consequence of which the presbytery refused to ordain him. The commission of the assembly, however, ordered the presbytery to admit him without delay, and on its refusal, without paying any attention to its appeal to the next general assembly (that of 1732), the commission appointed a sub-committee to enforce the settlement.

The general feeling on this and similar cases had risen to such a height, that a strong representation against the usurpations of the commission was drawn up and signed by forty-two ministers, and laid before the general assembly which met in May, 1732. After enumerating various grievances and cases of tyrannical intrusion, such as that of Kinross, they pointed out the dangerous consequences of the arbitrary proceedings of the commission, "not only in the cases specified, but in many others, seeing they might be improved as precedents, and had too visible a tendency to grieve many of God's people, alienate their affections, cause divisions, pave the way for introducing in all corners of the land a ministry utterly unacceptable, and so not fit to edify and rule the flock of Christ, and to wreathe the heavy yoke of patronage about the church's neck, and strengthen the hands of enemies who may design to model the church according to their own mind, and bring in a corrupt time-serving ministry into it, to serve their carnal political interests." They accordingly prayed the assembly, "with all due respect to heritors well affected to church and state, to discharge, in time coming, all settlements of vacant congregations without the call and consent of the elders and christian people thereof." The assembly was so much offended by this remonstrance, that it was not even allowed to be heard; and the appointment of Mr. Stark to Kinross was not only confirmed, but an order was given to the presbytery of Dunfermline to receive and enrol him as one of its members. Some few of the assembly protested against the irregularity of these proceedings, but the majority in

the assembly refused to listen to the protest, and forbade its being entered on record. The assembly, before it separated, agreed to the plan for settling parishes which had been referred to the commission, and made it a law of the church, adding a clause to prohibit all inferior judicatories from making final settlements when appeals were lodged.

The ministers who were refused a hearing in the assembly, now carried their complaints into the pulpits, and thus spread still more widely the general feeling of discontent. In the October of 1732, Mr. Ebenezer Erskine, minister at Stirling, preached a sermon before the synod of Perth, in which he spoke of the corruptions in the church with great freedom, and compared indirectly the conduct of the party which then ruled in the church of Scotland with that of the degenerate priesthood of the Jews. For this sermon Mr. Erskine was censured by the commission of the assembly, and the presbytery of Stirling was directed to watch over him, and report on his future behaviour. Mr. Erskine drew up a protest, to which a considerable number of the members of the synod of Perth, with their moderator, adhered, and appealed to the next general assembly; and the presbytery of Stirling, as well as his own kirk-session, petitioned in his behalf; but all was in vain, and the commission only confirmed their censure. Mr. Erskine refused submission, and persisted in his appeal; and the general assembly, which met in the May of 1733, had thus two cases of resistance to deal with, which brought it in collision with the presbytery of Stirling, in the case of Mr. Stark, and with the synod of Perth, in that of Mr. Erskine. The case of the presbytery of Stirling came on first, and a warrant was issued to summon several members of that presbytery, with the presbytery clerk, to "compear" before the assembly and show their reasons for disobedience to its acts and appointments. As the assembly professed not to be satisfied with these reasons, a committee was appointed to confer with them, but as this conference produced no effect upon them, the assembly, on the report of the committee, ordered the ministers of the Stirling presbytery to retire and constitute themselves into a presbytery, for the purpose of receiving and enrolling Mr. Stark, and to report particularly on the behaviour of each member. The assembly now found that a majority of the presbytery

there assembled were for enrolling Mr. Stark, and they appointed another meeting for that purpose. Six of the members of the presbytery, who had distinguished themselves by their opposition to the admission of Mr. Stark, were rebuked at the bar, and ordered "to own Mr. Robert Stark as minister of the gospel at Kinross, to encourage and strengthen his hand in the Lord's work, to discourage all separation from and non-subjection to his ministry, and strictly discharged from admitting any of the parish of Kinross to sealing ordinances without the consent of the said Mr. Robert;" and they were inhibited from presenting any protest on the subject. The task of enforcing obedience to these orders of the assembly was intrusted to the commission.

In the case of the synod of Perth, the assembly acted still more summarily; for, without charging him with any error of doctrine, or even with any harshness of language towards the governing body in the church, they at once confirmed the judgment of the commission, and ordered him to appear at the bar of the assembly to be publicly rebuked and admonished by the moderator. Upon this Erskine drew up the following protest, which was dated at Edinburgh on the 14th of May, 1733:—"Although I have a very great and dutiful regard to the judicatures of this church, to whom I own my subjection in the Lord, yet in respect the assembly have found me censurable, and have tendered a rebuke and admonition to me for things I conceive agreeable unto and founded upon the word of God and our approved standards, I find myself obliged to protest against the foresaid censure, as imputing that I have in my doctrine at the opening of the synod of Perth, October last, departed from the word of God and the foresaid standards; and that I shall be at liberty to preach the same truths of God, and to testify against the same or like defections of the church, upon all proper occasions. And I do hereby adhere unto the testimonies I have formerly emitted against the act of assembly, 1732, whether in the protest entered against it in open assembly, or yet in my synodical sermon, craving this my protest and declaration be insert in the records of assembly, and that I be allowed extracts thereof." Three other ministers of note, Mr. William Wilson, minister at Perth, Mr. Alexander Moncrieff, minister at Abernethy, and Mr. James Fisher, minister at Kinclavers, joined

in this protest, which was presented in their four names to the assembly; but the latter refused to listen to it, or to allow it to be recorded, and, after refusing to withdraw it, the petitioners retired. The four protesters were then cited to appear before the assembly next day, and a committee was then appointed, which held a long conference with them, in the hope of persuading them to withdraw their paper and protest, and submit, but without effect. On the report of this committee, the assembly, by a large majority, ordered, "that the four brethren aforesaid appear before the commission in August next, and then show their sorrow for their conduct and misbehaviour in offering to protest, and in giving in to this assembly the paper by them subscribed; and that they then retract the same. And in case they do not appear before the said commission in August, and there show their sorrow and retract as said is, the commission is hereby empowered and appointed to suspend the said brethren, or such of them as shall not obey, from the exercise of their ministry. And further, in case the said brethren shall be suspended by the said commission, and that they shall act contrary to the said sentence of suspension, the commission is hereby empowered and appointed at their meeting in November, or any subsequent meeting, to proceed to a higher censure against the said four brethren, or such of them as shall continue to offend by transgressing this act. And the general assembly do appoint the several presbyteries, of which the said brethren are members, to report to the commission in August, and subsequent meetings of it, their conduct and behaviour with respect to this act." The four ministers attempted to reply to this sentence, but they were not permitted to speak, and they therefore laid on the table in writing what they intended to say. They returned to their several parishes, where their conduct met with general approval; and when the commission met in August, it received numerous declarations and petitions in their favour. But these also were disregarded, and as the four ministers showed no inclination to submit, the sentence of suspension was pronounced against them. The four ministers now protested, not only in their own names, but in the names of their respective congregations, against the sentence, as being irregular, and in itself null and void, and they continued to exercise their ministry in defiance of it. The

popular feeling in favour of the protesters was becoming so great, that some of the commission now felt inclined to hesitate, and when at the meeting in November it was proposed to pronounce against them the highest censure of the church, that measure was only carried by the casting vote of the moderator. They were then declared to be no longer ministers of the church of Scotland, and their churches were declared vacant, and this sentence was ordered to be read from the various pulpits within the presbyteries to which they belonged, before the 1st of January following.

The protesting ministers were not daunted by these proceedings. They produced a protest stronger and more decided in character even than the former, in which, after declaring that they considered the sentence as irregular and therefore null and void, and that they should continue their relations with the flocks which had been entrusted to their charge, they went on to say:—"And likewise we protest that, notwithstanding of our being cast out from ministerial communion with the established church of Scotland, we still hold communion with all and every one who desire with us to adhere to the principles of the true presbyterian covenanted church of Scotland, in her doctrine, worship, government, and discipline; and particularly with all who are groaning under the evils, and who are affected with the grievances, we have been complaining of, and who are, in their several spheres, wrestling against the same. But in regard the prevailing party in this established church, who have now cast us out from ministerial communion with them, are carrying on a course of defection from our reformed and covenanted principles, and particularly are suppressing ministerial freedom and faithfulness in testifying against the present backslidings of the church, and inflicting censures upon ministers, for witnessing, by protestations and otherwise, against the same; therefore we do, for these and many other weighty reasons to be laid open in due time, protest that we are obliged to make a *secession* from them, and that we can have no ministerial communion with them till they see their sins and mistakes, and amend them. And, in like manner, we do protest that it shall be lawful and warrantable for us to exercise the keys of doctrine, discipline, and government, according to the word of God and confession of faith and the principles and constitutions

of the covenanted church of Scotland, as if no such censure had been passed upon us. Upon all which we take instruments, and we hereby appeal to the first free, faithful, and reforming general assembly of the church of Scotland." Neither the assembly nor the commission appear to have been prepared for a step like this, which immediately caused a great sensation throughout presbyterian Scotland. The minister at Maxton in Roxburghshire, Mr. Gabriel Wilson, with Ralph Erskine and James Wardlaw, ministers at Dunfermline, John Macclairine, minister at Edinburgh, Thomas Mair, minister at Orwell, in Kinross-shire, Thomas Nairne, minister at Abbotshall, in Fife, and John Currie, minister at Kinglassie, in the same county, immediately presented a protest, in which they claimed the right of complaining to any general assembly against this sentence of the commission, as well as of bearing testimony against it and all other defections and severities of the church, and of holding ministerial communion with their persecuted brethren, as if no such sentence existed. The commission, in self-defence, now drew up and published a narrative of their proceedings, to which the seceders replied by a review of the narrative; but the most important result of this quarrel was that, on the 6th of December, 1733, the persecuted brethren and their friends met at Gairney Bridge, near Kinross, and formed themselves into what they termed the *Associate Presbytery* of Scotland.

The dangerous division which had taken place was now obvious to all, and many who had hitherto yielded to the prevailing party now joined the evangelicals, or old presbyterians, and through their united exertions they gained a very decided majority in the general assembly which met on the 2nd of May, 1734. The assembly, accordingly, began by adopting conciliatory measures. They declared the acts of the assemblies of 1730 and 1732—the first forbidding protests of dissidents from being recorded, and the other relating to the appointment of ministers to vacant churches—to be no longer binding. They appointed the synod of Perth and Stirling to meet on the first Tuesday in July, and gave it power "to take the case of the seceding brethren, as it then stood, under their consideration, for uniting them to the communion of the church and restoring them their charges." But, with the praiseworthy intention of

avoiding as much as possible any new occasion of ill-feeling, they directed that this should be done without reference to or judgment upon the former proceedings. They, however, declared, for the satisfaction of those who were offended at the invasion of the liberty of the pulpit, that due and regular ministerial freedom in this respect was not to be understood as in any way impaired by the decision of the late assembly. The synod of Perth unanimously agreed in relieving the four ministers from the sentence of suspension pronounced by the commission of the late assembly, and in restoring them to their several charges and to the full communion of the church.

The seceders themselves, however, had now advanced a step too far for any hope of immediate reconciliation. As usually occurs in such cases, having once separated themselves from their opponents, they became less inclined to yield even on unimportant parts, and began to adopt far more extensive views on the subject of reform than many even of their own friends were inclined to adopt. They published a testimony to the doctrine, worship, discipline, and government of the church of Scotland, which they wished to be restored to the model of the flourishing days of covenanted presbyterianism, as exhibited especially in the years 1638, 1646, and 1648, forgetting the essential change which had taken place in the condition of the whole island; and they declared their opinion that it was their duty to continue in their secession until the church had become fully sensible of its sins and errors, and they saw a resolution to effect the reforms they demanded. They thought, too, that they could not conscientiously accept the advance made by their opponents, as long as it contained no acknowledgment of the injustice with which they had been treated. Their friends in the church, who were not willing to go the same length, reminded them that they had appealed for redress to the first faithful general assembly, and that they should at least, before taking so decided a step, wait to see whether this assembly would not answer to that character. These friends, however, continued to labour sedulously to remove the difficulties which stood in the way of reconciliation.

Among other measures of conciliation, the commission of this assembly sent a deputation to court to solicit the repeal of the act of queen Anne restoring patronage,

but they were unsuccessful. The matter, however, was not allowed to drop, and the general assembly of 1735 sent two ministers, Mr. Anderson of St. Andrews, and Mr. Gordon of Alford, with one of the ruling elders, colonel John Erskine of Carnock, as a deputation to do all they could for obtaining the repeal of the obnoxious act, but they also laboured in vain. The seceders, meanwhile, pointing out a clause in the act which virtually gave the assembly the power of counteracting its evil effects, accused them of insincerity, because, instead of taking advantage of this, they sent fruitless deputations to London, to ask for what they knew beforehand they should not obtain, and which possibly they did not really want to obtain. They waited, therefore, till the close of the session, and then published their reasons for "not acceding to the judicatories of the established church;" in which they stated, that if the difficulties that lay in their way had not been removed, they did not impute it to the intentions or inclinations of many of the worthy members of the last assembly, but to the opposition they met with from some who had an active hand in carrying on or concurring with the "former course of defection." They forbore, however, for a year from taking any further step that might close the door to reconciliation.

An attempt had been made in the English parliament to obtain the repeal of queen Anne's act of patronage, for which purpose a bill, prepared by Duncan Forbes, Messrs. Erskine and Plummer, sir James Ferguson, and Mr. Hume Campbell, was introduced in the house of commons on the 18th of January. But it met with little support, and soon fell to the ground. A bill was also brought in to remedy certain evils and abuses which had occurred in the elections in Scotland, by assimilating the Scotch law for preventing wrongous imprisonment to the English habeas corpus act, and it was carried through the house of commons without difficulty. But it was opposed in the house of lords by the earl of Islay, and, on his representation that the law of Scotland was sufficient for the protection of the subject and needed no alteration, the bill was thrown out there. In the next session, January, 1736, the old acts against witchcraft were repealed.

The general assembly of 1736 continued to show a desire for reconciliation with the seceding ministers, and passed several acts

of a conciliatory character. One of these was an act against intrusion into vacant congregations, and another, an "act concerning preaching," which was intended to meet the complaint that had been made against them of indifference to gospel truth. By this act, all ministers were directed "to make it the great scope of their sermons to lead sinners from a covenant of works to a covenant of grace for life and salvation, and from sin and self to precious Christ; and to insist not only upon the necessity and excellency of faith in Jesus Christ for salvation, but also upon the necessity of repentance for sin and reformation from it, and to press the practice of all moral duties as indispensably necessary, in obedience to God's command, to testify our gratitude to him, and to evince the sincerity of our faith." Unfortunately, several cases happened about this time, in which the assembly was far from acting up to their professions, and they thus gave new offence to the party of the seceders. They refused to listen to a complaint from the parish of Denny, in Stirlingshire, against a sentence of the assembly which had intruded a minister upon the parishioners who was not agreeable to them. In another case, not unlike that of Kinross, a minister named Pursell, having been intruded on the parish of Traquire, near Dumfries, the assembly compelled the presbytery of Dumfries to receive him reluctantly among its members. Still greater offence was given by the case of Mr. Campbell, the professor of church history at St. Andrews, who, in some works he had recently published, the object of which was to defend and exalt revealed religion, had hazarded several objectionable positions, which could not fail to be highly offensive to the evangelical party. They were referred by the assembly to the consideration of a committee, which, after calling Mr. Campbell before them and hearing his explanations, pronounced that the positions in question were only unguarded and incautious statements in support of arguments pushed too far; and they delivered a general admonition to Campbell and others, "not to use doubtful expressions in their preaching, propositions, or writings, which might be construed in an erroneous sense." This was anything but satisfactory to the seceders, who had been looking forward to some particular "testimony" on the part of the assembly against the evils of the present and the sins of former times; and,

after waiting some time longer in vain for this "testimony," they met at Perth on the 3rd of December, and published on their own part what they called "a judicial declaration or testimony for the doctrine, worship, government, and discipline of the church of Scotland, agreeable to the word of God, the confession of faith, the national covenant of Scotland, and the solemn league and covenant of the three nations, and against the several steps of defection from the same, both in former and present times." It is to be regretted that among the sins complained of in this declaration was the repeal of the laws against witchcraft.

An event happened during this year which in itself was only important in consequence of the long political calm that had prevailed. Although much had been done for the improvement of Scotland during this period, much more might have been done, but for the obstacles thrown in the way of improvement by the selfishness and perversity, as well as by the ignorance and prejudices of the people. In this way nearly every effort to encourage the trade and commerce of the country had failed; and while the government was defrauded of its revenues in every possible way, individuals were enriching themselves by a contraband trade which was neither beneficial to the nation nor to people in general. An immense sum of money is said to have been exported annually for the single article of brandy which was *smuggled* into the country. The trade of the smuggler was indeed carried on to an almost incredible extent, favoured both by the general sympathy of the population, who did not look upon it as a crime, and by the nature of the coasts, and it was the cause of many a daring encounter between the smugglers and the government authorities. One Andrew Wilson, of Pathhead, carried on this illegitimate trade, but he had recently sustained heavy losses by seizures. Wilson was evidently a man of desperate character, for, in retaliation, he associated himself with an innkeeper of Edinburgh, named George Robertson, who appears to have been a loser by the same cause, and having hired some others, they watched Stark, the collector of the district, as he was returning from his circuit, and having traced him to a lodging in Pittenweem, they broke into his room on the night of the 9th of January, 1736, and robbed him of his money. Having thus effected their purpose, they acted with so

little caution, that they were almost immediately apprehended and the property recovered. They were in due course brought to trial for the robbery, found guilty, and condemned to be hanged, and were appointed for execution on Wednesday, the 14th of April. On the Friday previous, an attempt was made by these and other prisoners to break out of gaol. Two horse-stealers, also under condemnation, who occupied the room above that in which they were confined, had contrived with some implements they had secretly obtained, to cut through the bars and grating of their window, and having hauled the smugglers up through a hole in the floor, they proceeded, about two o'clock in the morning, to make their escape. After one of the horse-stealers had been let down safely with a rope, Wilson the smuggler prepared to follow him, but being a stout man, he stuck fast in the grate, and he was not relieved from this disagreeable position without much difficulty. Before this was effected, the guard was alarmed, and secured all the prisoners except the one who had been let down and had made his escape. Wilson took this failure much to heart, considering himself to have been the cause of it, and he resolved on making a desperate attempt to effect at least the escape of Robertson, knowing that he had drawn him into the enterprise for which they were to suffer. The occasion for this attempt occurred in the tollbooth church, where it was the custom to take condemned criminals to hear sermons the sabbath before their execution. Wilson and his companion were accordingly conducted to the church by four soldiers on the Sunday following the attempt to break out of prison, but they had no sooner taken their places, than Wilson, seizing two of the soldiers by the arms, cried out, "Geordie, do for your life!" and snatched a third by the neck of his coat with his teeth. Robertson, acting upon the suggestion, tripped over the fourth soldier, sprang over the seats, and rushed out of the church, and not only did the congregation make no effort to stop him, but the crowd outside the church closed after him as he passed through, and impeded pursuit. Wilson was immediately carried back to prison and carefully secured.

The general sympathy of the populace for smugglers, the boldness of the attempt to break out of prison, and his generosity in favouring the escape of his companion, had raised in the populace so strong a

feeling in favour of Wilson, that the magistrates anticipated an attempt to rescue him, and they not only doubled the guard at the prison, but ordered the officers of the trained bands and the constables to attend at the execution, and served out ammunition to the town guard. The Welsh fusileers, who were at this time in Edinburgh, were also drawn out on this occasion, to be ready to support the authorities in case of need. An immense crowd was assembled to witness the execution of Wilson, but there was no riot or disorder of any kind, until, as the executioner was ascending the ladder to cut the body down, a party of idle boys who were among the spectators threw a shower of stones at him. Some of the town guard were struck by the stones, upon which their commander, captain Porteous, in a great rage, and without reading the riot act or consulting with the magistrates, although they were in a room close at hand, fired upon the populace, and ordered his men to do the same, by which several people were killed or wounded. It was said that one of the magistrates narrowly escaped from a ball which was accidentally turned from its course. As the town guard marched away up the West Bow, followed by the mob, a few shots were fired which also did execution. In all, four men were killed, and eleven severely wounded, and two of the latter died of their wounds. The public indignation at this unprovoked outrage was extreme, and the same evening captain Porteous was arrested and committed to prison. He was kept in confinement till the 19th of July, when he was tried and convicted, on the direct testimony of several witnesses, of having with a fusée, which he received from a soldier, shot one young man dead upon the spot, and ordered the guards to fire among the crowd, thus causing several others to be killed or wounded. He was sentenced to be hanged on the 8th of September. As the time approached, application was made to the crown through the duke of Argyle in his favour, and the queen-regent (in the king's absence) sent a reprieve of six weeks, for the purpose of making proper inquiry. Porteous had made himself extremely unpopular by the harshness with which he had always exercised his authority; and he had twice before been engaged in encounters with the populace, especially in a late tumult at the violent settlement of Mr. Wotherspoon in the ministry of the West Kirk, in which some

of the mob had been wounded; but in all previous cases he had escaped without inquiry, it was supposed through the influence of provost Campbell, whose house-keeper he had married. The news of the reprieve, therefore, caused a general feeling of indignation, and a design was immediately formed for carrying the sentence into execution in spite of it. The whole proceeding was planned with so much secrecy, that, though much threatening language had been bandied about, none of the authorities expected any violent outbreak of popular feeling which they were not fully prepared to suppress.

In the evening of the day before that originally fixed for the execution, between nine and ten o'clock, a body of men suddenly seized the drum of the suburb of Portsburgh, and carried with them the drummer's son to beat it. They then closed the West Port, and having rapidly collected a crowd by beat of drum, they also made fast the Nether Bow Port, by which the troops quartered in the Cannongate were prevented from entering the town. They next took possession of the guard-house, and armed themselves with the weapons they found there. Having now sent parties to secure the other gates, they were complete masters of the city, and proceeded to carry their design into effect without interruption, having merely placed a guard across the High-street, to prevent all but their own associates from passing. The magistrates were by this time alarmed, and assembling together, they dispatched a messenger with a verbal request to general Moyle that he would lose no time in coming to their assistance; but the general returned for answer that he could not move without a written order, and this could not now be sent. The magistrates themselves went out and made an attempt to induce the rioters to desist, but they were soon driven away, and were glad to find themselves in a place of security. The mob had now procured a tar barrel and other combustibles, with which they set fire to the door of the prison, and thus soon forcing a way in, they took his keys from the keeper, and set all the prisoners at liberty but Porteous, whom they rudely dragged down the stairs by the heels, in spite of his urgent cries for mercy. They first carried their victim to the top of the Lawnmarket, where it was proposed by some to hang him on the weigh-house; but this was overruled by

some who appeared to have authority with the populace. He was next taken down the West Bow, and led to the gallows stone, where he was ordered to kneel and confess his sins, and not to forget among them the murderous slaughter he had been the author of in that place. A party of the rioters, meanwhile, had broken into a neighbouring shop, and taken from it a coil of rope, leaving the money for it on the counter. With this rope round his neck, regardless of his struggles and continued entreaties for mercy, they drew their victim up to a dyer's beam; but one of his hands having got free, he grasped the noose in an agony of despair, upon which a man struck him with a paddle, and he was let down to have his hands tied more firmly. When they had drawn him up a second time, it was observed that his face was uncovered, and, perhaps thinking that the omission of this part of the hangman's duty detracted from the ignominy of the punishment, they let him down again, and having thrown one of his shirts over his head (for it appears he had two), they drew him up a third time, and nailed the rope to a tree. The chief actors then saluted each other, grounded their arms, and separated, and, from the direction they took, it was supposed that they went into the country. This outrage was completed about midnight, and nobody ventured to touch the body till five o'clock next morning.

The authorities were thrown into astonishment by the boldness of these proceedings, and they were still more amazed that they had been so well concerted, that no trace whatever could be discovered of those who had been the actors in them. The magistrates, who were alarmed at their own responsibility, made every effort to discover them, and upwards of two hundred persons were arrested and examined, but in vain. A reward of two hundred pounds was offered by the queen-regent, but with no better results. In this state of mysterious uncertainty, a variety of conjectures and rumours were set abroad, and it was believed by many that the tumult proceeded from a deep conspiracy among the enemies of the existing government, and that the actors in it were screened from discovery by the influence of persons of rank. The enemies of the government, on the other hand, ascribed the whole to the mismanagement of the earl of Islay, who was the chief director of the affairs of Scotland. Others endea-

voured to make out a connexion between this tumult and the riot at the West Kirk, and wished to place it to the account of the evangelical party in the church. Under these circumstances, the further investigation of the affair was left to the parliament, the session of which was not opened till the 1st of February, 1737.

In the beginning of this session, lord Carteret, in discussing the king's speech which alluded to the different outrages of this kind, recapitulated the several tumults and riots which had lately happened in different parts of the kingdom. He particularly insisted upon the atrocious murder of captain Porteous, as a flagrant insult upon the government, and a violation of the public peace, so much the more dangerous, as it seemed to have been concerted and executed with deliberation and decency. He suspected that some citizens of Edinburgh had been concerned in the murder; not only from this circumstance, but likewise because, notwithstanding the reward of two hundred pounds, which had been offered by proclamation for the discovery of any person who acted in that tragedy, not one individual had as yet been detected. He indirectly intimated that the magistrates had encouraged the riot, and that the city had forfeited its charter; and he proposed a minute inquiry into the whole affair. He was seconded by the duke of Newcastle and the earl of Islay; though this last nobleman differed in opinion with him in respect to the charter of the city, which, he said, could not be justly forfeited by the fault of the magistracy, as the royal burghs were protected by the act of union. The lords resolved, that the magistrates and other persons from whom they might obtain the necessary information concerning this riot should be ordered to attend, and that an address should be presented to his majesty, desiring that the different accounts and papers relating to the murder of captain Porteous might be submitted to the perusal of the house. These documents being accordingly examined, and all the witnesses arrived, including three Scottish judges, a debate arose on the manner in which these last should be interrogated, whether at the bar, at the table, or on the woolsack. Some Scottish lords asserted, that they had a right to be seated next to the judges of England: but after a long debate this claim was rejected, and the judges of Scotland appeared at the bar in their robes. A bill

was subsequently brought in to disable Alexander Wilson, esquire, lord provost of Edinburgh, from enjoying any office or place of magistracy in the city of Edinburgh, or elsewhere in Great Britain; for imprisoning the said Alexander Wilson; for abolishing the guard of that city; and for taking away the gates of the Nether Bow Port, so as to open a communication between the city and the suburbs, in which the king's troops were usually quartered. The duke of Argyle argued against this bill as harsh or unprecedented, inasmuch as he believed there was no instance of the whole weight of parliamentary indignation—for such he called a proceeding by a bill *ex post facto*—falling upon any single person, far less upon any community for crimes that were within the reach of the inferior courts of justice: for this reason he observed, that if the lord provost and citizens of Edinburgh should suffer in the terms of the present bill, they would suffer by a cruel, unjust, and fantastical proceeding; a proceeding of which the worst use might be made, if ever the nation should have the misfortune to fall under a partial, self-interested administration. He told them he sat in the parliament of Scotland when that part of the treaty of union relating to the privileges of the royal burghs was settled on the same footing as religion; that is, they were made unalterable by any subsequent parliament of Great Britain. The bill was nevertheless sent down to the house of commons, where it produced a violent contest. The commons set on foot a severe scrutiny into the particular circumstances that preceded and attended the murder of Porteous: from the examination of the witnesses it appeared that no freeman or citizen of Edinburgh was concerned in the riot, which was chiefly composed of country people, said to have been excited by the relations of some unhappy persons whom Porteous and his men had slain at the execution of the smuggler; and these were assisted by apprentice-boys and the lowest class of vagabonds that happened to be at Edinburgh: that the lord provost had taken all the precautions to prevent mischief that his judgment suggested; that he even exposed his person in his endeavour to disperse the rioters; and that, if he had done amiss, he erred from want of judgment. It likewise appeared that Mr. Lindsay, member for the city of Edinburgh, had gone in person to general Moyle, commander of the forces in North Britain, in-

formed him of the riot, implored his immediate assistance, and promised to conduct his troops into the city; and that his demand was rejected, because he could not produce a written order from the magistracy, which he neither could have obtained in such confusion, nor ventured to carry about his person through the midst of an enraged populace. The Scottish members exerted themselves with great earnestness in defence of their capital, and they were joined by the English leaders of the opposition. Lord Polworth declared, that if any gentleman would show where one argument in the charge against the lord provost and

the city of Edinburgh had been proved, he would that instant give his vote for the commitment of the bill. He said, if gentlemen would lay their hands upon their hearts, and ask themselves, whether they would have voted in this manner had the case of Edinburgh been that of the city of Bristol, York, or Norwich, he was persuaded they would have required that every tittle of the charge against them should have been fully and undeniably proved. Some amendments and mitigations being inserted in the bill, it passed the house, was sent back to the lords, who agreed to the alterations, and it then received the royal assent.

CHAPTER VII.

FURTHER DIVISIONS IN THE CHURCH; NEW THREAT OF AN INVASION; ARRIVAL OF THE YOUNG PRETENDER IN SCOTLAND.

I HAVE already stated that it was supposed by some that the receding ministers in the church were the real promoters of the Porteous riot, and this supposition was soon taken hold of, apparently as a political handle, in higher quarters. The duke of Argyle, who was perhaps deceived by the representations of others, took this view of the case, and spoke of the seditious tendency of the principles inculcated by these "fanatical preachers." An act had been passed, which made it a capital crime to conceal any persons guilty of the murder of Porteous; and, either as an act of spitefulness against the evangelical ministers, or as a test of their loyalty, it was ordered, at the suggestion of the Scottish members, that this act should be read by each minister of the established church of Scotland from his pulpit on the first sabbath of every month during one year, "under the pain of being declared incapable of sitting or voting in any church judicatory, and the penalty to be enforced by the civil power." This was an injudicious and somewhat tyrannical proceeding, calculated at any time to give great offence to all consistent presbyterians, and accordingly it was disobeyed by some, and others contrived to evade it, but the great mass of the clergy complied, and this compliance was looked upon by the seceders

as another proof of the debased condition of the kirk. The seceders themselves had been increasing in numbers, and were strengthened by the accession of several ministers of high character, and they proceeded to perfect their organisation, instituting a professorship of divinity, and adopting other measures for the education of young men for the ministry and for the extending of presbyterian principles in their purity. The moderate party, on the other hand, finding themselves supported by the civil power, which had become suspicious of the loyalty of the others, began to be careless of the separation which had taken place, although they still declared their anxiety for a reconciliation, and professed to act towards their seceding brethren in the spirit of meekness, brotherly love, and forbearance. In the assembly of 1737, the subject was hardly mentioned; but that of 1738 ordered the commissioner to prepare the case of the seceders to be laid before the general assembly of the following year for final judgment. In the meantime every effort was to be made to recall the seceders by conference and persuasion. This course having failed, they were cited to appear before the general assembly in 1739. They appeared accordingly, but instead of answering to the charges which were read against them, they

gave in what they called "an act of the associate presbytery, finding and declaring that the present judicatories of this national church are not lawful nor right constitute courts of Christ, and declining all authority, power, or jurisdiction, that the said judicatories may claim to themselves, over the said presbytery, or any of the members thereof, or over any that are under their inspection, and particularly declining the authority of a general assembly now met at Edinburgh the 10th of May." In accordance with this act, the seceders refused to obey another summons to appear before the general assembly, which body, after considerable discussion of the matter, agreed to refer the final decision of it to the general assembly of 1740, with a strong recommendation to pronounce the sentence of deposition against all the ministers who held to the act and declinature of the associate presbytery. The assembly at the same time ordered to be published a narrative of the controversy, in which they described their own efforts to bring over the seceders by treating them with indulgence, and yielding on every point where they could submit prudently and conscientiously, and the obstinacy of their opponents in refusing any terms but such as were absolutely impracticable. The seceders naturally defended themselves, and the country was for a long time deluged with pamphlets on both sides of this now all-absorbing question. When the general assembly met in the May of the year 1740, the only course left them to pursue, was formally to depose the disobedient ministers, prohibiting them any longer to exercise the ministry, and declaring their parishes vacant. Still it cannot be denied that the general assembly continued to act with exemplary moderation. Although the sentence of deposition had been pronounced in the May of 1740, the assembly of 1741 was allowed to pass over without any further proceedings against the seceders, and it was only in 1742 that another assembly ordered steps to be taken to enforce its execution. The deposed ministers yielded, without any attempt at resistance.

The political relations of the empire were now assuming a new and threatening character. - War had broken out with Spain in 1739, in which it was generally foreseen that the latter power would before long be joined by France. This was an event which could not fail to revive the hopes of the

jacobites, and the state of Scotland became a subject of the utmost importance, though it does not appear to have received its due attention from the government. The influence of faction was indeed at this moment so strong, that many measures highly calculated for the advantage of the nation were abandoned in consequence of the clamours of the opposition. Among these was a proposal for attaching the highlanders to the government, by Duncan Forbes, who had in 1737 been raised to the dignity of lord president of the court of session. This proposal, which was suggested late in the year 1738, when it was evident that war could not be long averted, will be best stated in his own words:—"A war with Spain," he said, in a discourse with the lord justice-clerk, "seems near at hand, which it is probable will be soon followed by a war with France, and there will be occasion for more troops than the present standing army; in that event I propose that government should raise four or five regiments of highlanders, appointing an English or Scottish officer of undoubted loyalty to be colonel of each regiment, and naming the lieutenant-colonels, majors, captains, and subalterns, from this list in my hand, which comprehends all the chiefs and chieftains of the disaffected clans, who are the very persons whom France and Spain will call upon in case of a war to take arms for the pretender. If government fore-engages the highlanders in the manner I propose, they will not only serve well against the enemy abroad, but will be hostages for the good behaviour of their relations at home, and I am persuaded it will be absolutely impossible to raise a rebellion in the highlands." This proposal was approved by Walpole, but was rejected by the privy council, who were afraid to face the anticipated clamours of the opposition that this highland army was to support the government in an attack upon the constitution. Next year, however, an imperfect plan of a similar kind was adopted, which was so far mismanaged as to lead to some disadvantageous results. We have already seen that six independent companies of highlanders in the pay of the government had been formed in 1725, and were encamped with the regular troops at Inverness. After the disarming of the clans, these companies were stationed in different parts of the highlands, and had remained so ever since. It was proposed now to raise four additional com-

panies, and form the whole into a highland regiment, under the command of the earl of Crawford and Lindsay; but in carrying this plan into effect, offence was given to some who were overlooked in the nomination of officers, and especially to the lord Lovat, who from this moment became a devoted partisan of the pretender.

By the exertions of this notorious nobleman, a jacobite association was formed secretly in Edinburgh early in the year 1740. It consisted in the first instance of Lovat himself, Drummond who had been created by the pretender duke of Perth, his uncle lord John Drummond, lord Traquair, sir James Campbell of Auchinbreck, and Cameron of Lochiel. These conspirators subscribed a bond by which they undertook to risk their lives and fortunes for the pretender, and to take up arms as soon as France could give them reasonable support; and the bond was sent by Drummond of Bohaldy to the pretender, who was living neglected and almost forgotten at Rome. The pretender immediately dispatched this document, with a list of the chiefs who were friendly to his cause (which had been also brought by Drummond), to the king of France, and from this time the correspondence between that court and the pretender was renewed. After the fall of sir Robert Walpole's ministry, the policy of the government with regard to Scotland showed less prudence and foresight even than before, while the warning voice of the lord president Forbes had less influence since his friend the duke of Argyle had joined the opposition. Much discontent was caused in Scotland by the increase of taxation which was naturally called for by the war, and by other causes, and at this moment, the English ministry, without consulting Forbes on the subject, resolved upon a measure of singular imprudence—that of sending the highland regiment, which had been raised only for home service, to the continent, to recruit the English army there. To make matters worse, the regiment was marched south under false pretences, imagining only that it was for the purpose of review in England.

The opinion expressed by Duncan Forbes in a letter of expostulation, written as soon as he was made acquainted with the minister's intention in this matter, is interesting for the view it gives us of the state of the highlands at that time, and is remarkable for the penetration with which the writer seems to have divined what was already

going on amongst the highland chiefs. After expressing in general terms his uneasiness at the removal of the highland regiment, and his fears that in case of a war with France that court would make an attempt to raise the jacobite clans, he goes on to say:—"The case of Scotland, so far as I understand it, is, that jacobitism is at a very low pass compared with what it was thirty years ago; yet I will not be so sanguine as to say, that the fire is totally extinguished, or even that what lurks may not be blown up into a flame, if France, besides words which she has always ready, will give some money; and the countenance of force—I say the countenance of force, because I fear a small one—seconded with money and promises, might spirit up unthinking people, who cannot perfectly judge what force may be sufficient to secure the execution of his designs. Should he fling out half-a-dozen battalions into the highlands, and these be joined by three thousand banditti, what sort of confusion must that make on the island? what diversion to his majesty's troops? what interruption to his designs? The enterprise, I verily believe, would at last be baffled, and the invaders would be lost to France, but still an infinite deal of mischief would be wrought at a small expense to that crown, and this is what distinguishes an attempt in the highlands of Scotland from one in any place to the southward. A small number would suffice to raise, with those that might be brought to join them, a lasting and a very dangerous confusion. Having thus stated to you the danger I dread, I must, in the next place, put you in mind that the present system for securing the peace of the highlands, which is the best I ever heard of, is by regular troops stationed from Inverness to Fort William, along the chain of lakes which in a manner divides the highlands, to command the obedience of the inhabitants of both sides, and by a body of disciplined highlanders, wearing the dress and speaking the language of the country, to execute such orders as require expedition, and for which neither the dress nor the manners of the other troops are proper. These highlanders, now regimented, were at first independent companies, and though their dress, language, and manners, qualified them for securing the low country against depredations, yet that was not the sole use of them; the same qualities fitted them for every expedition that required secrecy and dispatch; they

served for all purposes of hussars, or light horse, in a country where mountains or bogs render cavalry useless; and if properly dispersed over the highlands, nothing that was commonly reported or believed by the highlanders could be a secret to their commanders, because of their intimacy with the people, and the sameness of their language. Now, let me suppose that France was to attempt an insurrection in the highlands, which must be prepared by emissaries sent to cajole, to cabal, to promise to pay, to concert, and by arms and ammunition imported and dispersed; and let me suppose this highland regiment properly disposed and properly commanded, is it not obvious, that the operations of such emissaries must be discovered, if not transacted with the utmost secrecy? that the highlanders who suffered themselves to be tampered with by them, must do so under the strongest apprehension of being taken by the neck by detachments of that regiment, if their treason were heard of? and that of course they must be shy of meeting or transacting with the agent of the pretender, or of caballing, mustering their followers, or receiving or distributing arms? Now, on the other hand, let me suppose the same attempt to be made, and the highland regiment in Flanders; let me beg to know what chance you could have of discovering or preventing the attempt of any tampering in the highlands. Could any officer, or other person entrusted by government, go through the mountains with an intention to discover such intrigues, with safety? Would the pretender's emissaries, or the highlanders who might favour them, be in any apprehension from the regular troops? Could you propose, with any probability of success, to seize arms or attainted persons? Nay, suppose the government had direct intelligence of the projects carried on, where or by whom could they hope to surprise or lay hold on any one person? These questions, I dare say, you can easily answer, and with me can see that if France should stumble upon such a design as I have been supposing, remove but that regiment, and there is nothing to hinder the agents of that crown to have their full swing, and to tamper with the poor unthinking people of the highlands, with as great safety as if there were no government at all in the island. I will say more; I doubt not but in many places of that country, if the people would be prevailed with to rebel, they might receive

arms, and be in some sort disciplined, for many weeks before the government could have certain notice of it." There is a peculiar interest in this letter when we compare its almost prophetic language with the events which soon followed.

The highland regiment was ordered to London in the month of March of the year 1743, for the purpose, as was announced publicly, of being reviewed by the king in person, and without the slightest suspicion of any ulterior design. In their march through England they were treated everywhere with extraordinary hospitality, and were gratified by the praise which all bestowed on their fine appearance. The last division reached London on the 30th of April, and learnt to their astonishment that the same day the king and the duke of Cumberland had sailed for the continent. During the fortnight which followed, people who were opposed to the government and anxious to create embarrassment for it, went about among them and reported that they had been brought from the north in order to be transported to the plantations, and represented the whole as a mere trick to banish the highlanders from their native homes. The deception which had been already practised upon them, led many to give easy credit to such stories, and they began to be extremely distrustful. On the 14th of May, the regiment was reviewed by general Wade, who had been now raised to the grade of marshal, and their handsome appearance, as well as their excellent discipline, received the most enthusiastic applause; but they remarked not only the absence of the king, who was abroad, but of every member of the royal family, and their suspicions were increased. Their thoughts were now set upon returning to Scotland, and on the night of the 17th of the same month, a considerable body of them assembled on a common near Highgate, and thence began their march northward, hoping by their activity and power of supporting fatigue to reach their mountains before they were overtaken. In this, however, they were mistaken, for, on the evening of the 19th, a squadron of Wade's horse, under the command of captain Ball, sent in pursuit of them by general Blakeney, found them in Lady Wood, near Oundle, in Northamptonshire, and general Blakeney himself arriving soon after, they were effectually surrounded by the troops. When they found this to be the case, they sent to

inquire what terms they might have, and they were ordered to lay down their arms and surrender at discretion. This they refused to do, and declared that they would die fighting unless they had a promise of pardon and were allowed to retain their arms. At length, however, after showing much reluctance, they surrendered, the general having promised to give a favourable report of them. They were marched back to the Tower, where three of them were tried by court-martial and shot, and the others, about two hundred in number, were distributed among the stations in the Mediterranean and the West Indies. The rest of the regiment were embarked for the continent, where they distinguished themselves by their bravery and good conduct. They were afterwards known as the forty-second regiment. In the highlands they had been known by the popular name of the Black Watch.

Meanwhile, the suspicions of Duncan Forbes were by no means groundless, for foreign agents were already busily though secretly employed in preparing the highlands for insurrection. The French government were glad of the prospect of giving England occupation for her arms at home, and when Drummond arrived at that court with the papers from the pretender, cardinal Fleury, who then headed the ministry, received him with favour, and promised assistance. Drummond returned secretly to Edinburgh in the beginning of February, 1742, to communicate this promise to the conspirators. The latter had now increased in numbers, and had formed themselves into a secret society, which they named, "*The concert of gentlemen for managing the king's affairs in Scotland.*" On receiving Drummond's communications, and learning the promises of assistance from France, a plan was arranged by this society, that, as soon as they had obtained a bond of association from the leading jacobites of England, signed in the same manner as their own, France should send a force of at least thirteen thousand men, whom it was proposed to distribute as follows:—Fifteen hundred were to be landed near Lochiel in Inverness-shire, for the western highlands; the same number were to be put on shore at Inverness, to raise the eastern highlands; and the remaining ten thousand, with the pretender himself, were to be landed in England, as near to London as possible. Drummond returned to France with this

plan, which was fully approved by Fleury. The Scottish conspirators were now extremely sanguine, but hearing nothing further from France for some time, they began to be alarmed, and Murray of Broughton was dispatched to Paris for the purpose of ascertaining the true state of affairs there. On his arrival, he found that cardinal Fleury was dead, and that he had been succeeded in the direction of the government by cardinal Tencin, who entered into the design with the same earnestness as his predecessor. The attempt to obtain a bond from the English conspirators had failed, for they were too cautious to give their names in writing; nevertheless, the French minister gave an assurance that the king had the interests of the pretender much at heart, and that he intended to seize the first favourable opportunity to carry the plan they proposed into execution.

Nor, on this occasion, were the assurances of the French court empty promises. Although France was not yet at war with Great Britain, a fleet was assembled at Dunkirk, Calais, and Boulogne, and troops were secretly assembled on that coast under the command of the comte de Saxe. The old pretender had now, for some time, been left in neglect, and, as he was not considered fit for the present purpose, it was agreed that he should delegate his pretensions to his eldest son, Charles Edward, who was subsequently known as the young pretender, and who was then looked upon as a youth of promising talents, and of a brave and enterprising character. This point being thus settled, the troops designed for this expedition, which are said to have amounted to fifteen thousand, began their march to Picardy; and it was determined that they should be landed in Kent, under convoy of a strong squadron equipped at Brest, and commanded by Monsieur de Roquefeuille. Prince Charles departed from Rome about the end of December, 1743, in the disguise of a Spanish courier, attended by one servant only, and furnished with passports by cardinal Aquaviva. He travelled through Tuscany to Genoa, from whence he proceeded to Savona, where he embarked for Antibes, and pursuing his journey to Paris, had there a private audience of the king, and then set out, still in disguise, for the coast of Picardy. The secrecy of his journey to France had not, however, been kept well, and the British ministry was apprised of it, and then for the first time they

understood the destination of the armaments which they knew had been prepared at Brest and Boulogne. Mr. Thompson, the English resident at Paris, received orders to make a remonstrance to the French ministry, on the violation of those treaties by which the pretender to the crown of Great Britain was excluded from the territories of France; but he received for answer, that his most christian majesty would not explain himself on that subject, until the king of England should have given satisfaction for his infractions of the same treaties. In January, 1744, M. de Roquefeuille sailed from Brest with twenty ships of war, directing his course up the English channel; intelligence of which was carried by an English cruiser to Plymouth; and sir John Norris was immediately dispatched with the squadron at Spithead, which was joined in the Downs by another fleet from Chatham, forming together a much stronger force than that of the enemy.

The preparations at Boulogne and Dunkirk were carried on with great diligence under the eye of prince Charles, and seven thousand men were actually embarked. M. de Roquefeuille sailed up the channel as far as Dungeness, where he anchored and whence he detached M. de Barreil with five ships to hasten the embarkation at Dunkirk; but soon after he was gone, the French admiral was astonished, on the 24th of February, by the appearance of the British fleet under sir John Norris doubling the South Foreland from the Downs; and though the wind was against him, taking the opportunity of the tide to come up and engage the French squadron. Roquefeuille, who little expected such a visit, immediately called a council of war, at which it was determined, as the state of the tide protected them for some hours from an attack, to weigh anchor at sunset, and return to the port from whence they had set sail. This resolution was favoured by a heavy gale of wind, which began to blow from the north-east, and carried them down the channel with incredible rapidity. A great number of their transports were driven ashore and destroyed, and the rest so damaged that they could not be speedily repaired. The design of invasion was thus completely defeated, and the French generals nominated to serve in this expedition returned to Paris, while prince Charles was obliged to wait for a more favourable opportunity. The French king had now gone too

far to withdraw, and war against the king of Great Britain was proclaimed on the 20th of March. A declaration of war against France was published in London on the 31st of March. On the 5th of June, sir Hector M'Lean, George Bleau of Castlehill, and Lachlan M'Lean, sir Hector's servant, were apprehended in the Canongate of Edinburgh, on suspicion of being in the French service, and of enlisting men there. After several hours' examination by the king's advocate and solicitor, and some gentlemen of the army, they were committed; sir Hector to the castle, Mr. Bleau (who was many years afterwards hanged for murder) to the gaol of that city, and Lachlan M'Lean to that of the Canongate. They were sent thence under a strong guard to London, where they underwent a long examination, and were afterwards remanded back into the messenger's custody.

In the brief course of these events, effectual measures were taken to protect the English coasts against invasion, and, as the parliament was then sitting, a bill was passed for suspending the habeas corpus act; some arrests were made, and papists and non-jurors were placed under more rigorous surveillance. Yet by a strange neglect, although the government expressed its fears for Scotland, no steps were taken to secure and protect that part of the united kingdom.

In the midst of these threatening symptoms from abroad, the disputes in the Scottish church continued. Simpson had been succeeded in his professorship at Glasgow by William Leechman, one of the moderate party, who was no sooner installed, than the evangelicals brought a charge of corrupt doctrine against him, on account of a sermon he had published previous to the appointment to the professorship, on "The Nature, Reasonableness, and Advantage of Prayer." This sermon was brought under the consideration of the presbytery of Glasgow, upon which the professor himself immediately laid his complaint before the synod. The latter body, having heard Leechman's explanations, fully acquitted him. The presbytery, which had formed a different opinion, appealed against this decision to the general assembly. The assembly confirmed the judgment of the synod, and declared the professor free from blame. There were some, however, to whom this sentence did not give satisfaction, and it was the ground of new disagreements. Disputes had also arisen among the seceders,

and one party, under Mr. Nairne, separated from the rest, and formed themselves into what they called the *reformed presbytery*.

The war between England and France interrupted the communications between the pretender and his partisans in Scotland, who passed the earlier part of the year 1744 in anxious uncertainty as to his intentions. Towards autumn, however, Murray of Broughton again ventured to Paris to endeavour to obtain some satisfactory intelligence, and he was there introduced to prince Charles Edward, who was eager to proceed to Scotland, having been persuaded by his friends who were about him that the whole country was ready to rise in his favour. Murray did what he could to disabuse him on this point, and when he heard that there was now no hope of effective or immediate assistance from France, he assured him that any attempt under such circumstances would be little better than madness, and that it could only lead to the ruin of his friends. Charles, however, would listen to no reason, but, with a selfish disregard of the misery he was going to bring upon his friends, he told him that he was determined to go to Scotland in person, and throw himself upon the loyalty of his subjects there. Murray brought back this intelligence to the conspirators, who were in the utmost alarm, and resolved to send another message as quickly as possible to beg him to relinquish this design. A letter to this purpose was written in the month of January, 1745, but by some accident or other it was never sent, and in the month of June they were still more astonished by a direct communion from the young pretender, informing them of his intention to be in Scotland before the end of the month. Another still more urgent letter was now written to him, insisting upon his returning to France without landing, which was to be conveyed to him whenever and wherever the vessel which carried him should approach the coast. Lovat, who earnestly deprecated the rashness of the proceeding, communicated with the other highland chiefs of the jacobite party, and they were all agreed that they would not take up arms in that conjuncture, and that the pretender should not be suffered to land.

The young pretender, buoyed up with the accounts given him by the advisers in whom he mistakenly put his trust, informed the French government that he had resolved upon proceeding to Scotland, but he could

obtain from them no assistance. Nevertheless, with the help of two merchants, the sons of Irish refugees in France, Messrs. Walsh and Rutledge, he contrived to fit out a small armament, consisting of the *Elizabeth*, an old man-of-war, of sixty guns, taken from the English in the former war, and the *Doutelle*, a privateer of sixteen guns. He carried with him about four thousand pounds in money, a body of a hundred picked men, raised by lord Clare, and two thousand muskets, and five or six hundred broadswords. His companions on this hazardous expedition were the marquis of Tullibardine; only two other Scotchmen, Æneas Macdonald, the brother of the laird of Kinlochmoidart, and Buchanan, a man who had been employed as a messenger between the cardinal Tencin and the old pretender; four Irishmen, his former tutor sir Thomas Sheridan, sir John Macdonald, an officer in the Spanish service, and Sullivan and Kelly, the latter of whom had been secretary to Atterbury; an English gentleman named Francis Strickland; and three or four French and Italian servants. With these he embarked on board the *Doutelle*, and set sail, according to his promise, in the latter end of June, 1745. He was joined off Belleisle by the *Elizabeth*, which carried his money and stores, but they had not proceeded far in company, when they were encountered by the *Lion*, an English sixty-gun ship, and prince Charles left the *Elizabeth* to engage this formidable antagonist, while he made the best of his way with the *Doutelle* to Scotland. The battle between the two men-of-war was so obstinate that both were nearly disabled, and the *Elizabeth* made her way back with difficulty to the harbour of Brest. On his arrival among the western islands, Charles first ran in the sound between north Uist and Eriskay, where he had been obliged to seek shelter from three suspicious sails which had been observed. He landed on the latter island, having assumed the disguise of a priest, and passed the night on shore, but returned on board his vessel next morning. He had learnt that the chief of Clanronald, with his brother, Macdonald of Boisdale, were at South Uist, and having dispatched a messenger thither, Macdonald of Boisdale went on board the vessel in the morning, and was received in state. He, however, informed the prince of the determination of the highlanders not to take up arms, conjured him to desist from his enterprise, and return to

France, and then, finding him obstinately bent on proceeding, left him and returned on shore.

The prince next anchored in the bay of Lochnanuagh, where Æneas Macdonald landed and brought back with him his brother and the young chief of Clanronald, with the Macdonalds of Glenaladale and Dalily, and another gentleman of the clan. They were received in a tent erected on deck, under which there was a plentiful supply of refreshments, the marquis of Tullibardine, whom the jacobites always addressed by the title he had forfeited of duke of Athol, acting as master of the ceremonies. While the rest were regaling themselves, Charles retired with Kinloch-Moidart and young Clanronald, and remained with them we are told nearly three hours on the deck before he could overcome their scruples. They expostulated with him on the madness of the undertaking, pointed out the certain destruction it would bring on themselves and their friends, and positively refused to concur in it. At length Charles, after pacing the deck for some time in great agitation, turned suddenly to a younger brother of the chief of Kinloch-Moidart, who was standing near, and asked him if he would not assist him. The young man had become greatly excited at the conversation to which he had been listening, and he replied at once, "I will, even though not another man in the highlands should draw a sword!" "I wish," said the prince, in expressing his gratitude, "all the highlanders were like you." The pride of the two chiefs was touched by this reproachful allusion, and they were, unfortunately for themselves and their countrymen, weak enough to sacrifice their judgment to it.

Three days were spent on board the frigate in arranging the plan of operations, and then, while young Clanronald undertook to gain over sir Alexander Macdonald of Slate, in Skye, messengers were sent to the M'Leods and other friendly clans. On the 25th of July, Charles himself landed at Boradale in Lochaber, on the south shore of Lochnanuagh, in a district admirably suited for carrying on a design like this with security and secrecy. At first, however, the other highland chieftains showed no inclination to imitate the weakness of the Macdonalds; the chiefs of Skye refused to come forward; and Cameron of Lochiel, having, as soon as he heard of the prince's arrival, consulted with lord Lovat, waited

upon the prince to explain to him the hopelessness of his cause, and urged upon him in their joint names the necessity of abandoning the enterprise for the present. But Charles continued to be deaf to all the dictates of reason, and at length the balance was turned in favour of proceeding by the effect of a heartless taunt. In reply to Lochiel's representations of the certain ruin which would be brought on himself and his friends by embarking in such a project at that time, Charles replied,—"In a few days, with what friends I have, I will erect the royal standard, and proclaim to the people of Britain that Charles Stuart is come over to claim the crown of his ancestors, to win it or to perish in the attempt. Lochiel, whom my father has often told me was our firmest friend, may stay at home and learn the fate of his prince from the newspapers." All the characteristic feelings of the highlanders were touched to the quick, and Lochiel replied, "No, I will share the fate of my prince, and so shall every man over whom nature or fortune has given me any power." The moment it was known that Lochiel would take up arms, it was certain that his example would be followed by all the highland chiefs who favoured the cause of the Stuarts; and now, with at all events his prospects improved, Charles summoned the clans to assemble at Glenfinnan on the 19th of August, where he proposed to raise the royal standard.

Three days before this ceremony, the first blood was drawn between the pretender's adherents and the king's troops. The governor of Fort Augustus, having received some vague reports of a threatening character relating to the highlanders, dispatched two companies of infantry, under captain Scott, to reinforce the garrison of Fort William. On the 16th of August, as they were emerging from a narrow part of the pass between the mountains and the lochs Oich and Lochy, and approached a high bridge across the river Spean, they were surprised by the sound of bagpipes, and saw before them a party of highlanders brandishing their swords. These were Macdonalds, led by the laird of Tiernreich, who had been watching the soldiers on their march, and now apparently wished to bar their further progress. After an attempt to parley, Scott, totally in the dark as to the number of his opponents, and conscious that his own men were mostly new recruits, began his retreat, and was allowed to go unmolested until he

had entered the narrowest part of the pass. The Macdonalds, however, had taken a short route over the mountains, and posted themselves in the wood of Longanachdrum, where the trees concealed their numbers (they were at this time only about a dozen), and from whence they opened their fire upon the soldiers as they approached. The noise of the musketry hastened the arrival of other parties of highlanders, and the Macdonalds were soon joined by Macdonald of Keppoch, and they pursued closely the soldiers, who were hastening forwards in the hope of gaining a place of safety. But captain Scott had not gone far before he saw a strong party of the Macdonnells of Glengarry approaching to cut off his retreat; and now being wounded himself, and seeing that it was impossible to save his men, he surrendered to Keppoch, who advanced alone to require the soldiers to prevent further slaughter by laying down their arms. They had already two killed and many wounded; while the highlanders had sustained no loss. Lochiel arrived soon after the soldiers had surrendered, and took charge of the prisoners.

Meanwhile the prince removed from Boralade to Kinloch-Moidart, whence he went to Glenaladale, and on the 19th of August he proceeded by water with twenty-five companions to the wild glen of Glenfinnan, which had been selected for the scene of the ceremony of raising his standard. Though it was noon when he arrived, Charles was disappointed at finding nobody to receive him. He entered a small hut, and waited with some anxiety, till at length it was relieved by the appearance of Lochiel, who marched in with nearly eight hundred of the Camerons, bringing with them the prisoners they had taken on the 16th. The standard was now raised, Tullibardine (or Athol), whose bodily weakness was such that he was obliged to be held up by two men, performing the principal part in the ceremony. The prince then produced a manifesto by his father addressed to his faithful subjects, whom he was going to restore to their liberties, and a commission constituting his son, under the title of prince of Wales, sole regent of the united kingdom, with full authority to act as such. These were both dated at Rome, on the 23rd of December, 1743, the period at which this attempt was first projected. These were followed by a manifesto from the prince himself, in his character of regent, which was dated at Paris, on the 16th of May,

1745. All these documents were printed and extensively circulated. About an hour after the ceremony was over, Keppoch arrived at the head of about three hundred men, and these, with the Camerons and a few others, formed the prince's first army, of which the Irishman, Sullivan, was appointed adjutant and quartermaster-general.

The three documents published on this occasion deserve to be preserved, as showing the principles upon which the last of the Stuarts pretended to claim the crown of Great Britain. The following is the text of James's *declaration* :—

*"James the Eighth, by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith, &c. To all our loving subjects, of what degree or quality soever, greeting,—*Having always borne the most constant affection to our ancient kingdom of Scotland, from whence we derive our royal origin, and where our progenitors have swayed the sceptre with glory, through a longer succession of kings than any monarchy upon earth can at this day boast of, we cannot but behold with the deepest concern the miseries they suffer under a foreign usurpation, and the intolerable burdens daily added to their yoke, which become yet more sensible to us, when we consider the constant zeal and affection the generality of our subjects of that our ancient kingdom have expressed for us on all occasions, and particularly when we had the satisfaction of being ourselves amongst them. We see a nation, always famous for valour, and highly esteemed by the greatest of foreign potentates, reduced to the condition of a province, under the specious pretence of an union with a more powerful neighbour; in consequence of this pretended union, grievous and unprecedented taxes have been laid on, and levied with severity, in spite of all the representations that could be made to the contrary; and these have not failed to produce that poverty and decay of trade, which were easily foreseen to be the necessary consequences of such oppressive measures. To prevent the just resentment which could not but arise from such usage, our faithful highlanders, a people always trained up and inured to arms, have been deprived of them; forts and citadels have been built and garrisoned, where no foreign invasion could be apprehended; and a military government has been effectually introduced, as into a conquered country. It is easy to foresee what

must be the consequences of such violent and unprecedented proceedings, if a timely remedy be not put to them neither is it less manifest, that such a remedy can never be obtained, but by our restoration to the throne of our ancestors, into whose royal hearts such destructive maxims could never find admittance. We think it needless to call to mind how solicitous we have ever been, and how often we have ventured our royal person, to compass this great end, which the Divine Providence seems now to have furnished us with the means of doing effectually, by enabling our good subjects in England to shake off the yoke under which they have likewise felt their share of the common calamities. Our former experience leaves us no room to doubt of the cheerful and hearty concurrence of our Scots subjects on this occasion, towards the perfecting the great and glorious work : but that none may be deterred by the memory of past miscarriages, from returning to their duty, and being restored to the happiness they formerly enjoyed, we, in this public manner, think fit to make known our gracious intentions towards all our people. We do therefore, by this our royal declaration, absolutely and effectually pardon and remit all treasons and other crimes hitherto committed against our royal father, or ourselves : from the benefit of which pardon we except none but such as shall, after the publication hereof, wilfully and maliciously oppose us, or those who shall appear, or endeavour to appear in arms for our service. We further declare that we will, with all convenient speed, call a free parliament; that, by the advice and assistance of such an assembly, we may be enabled to repair the breaches caused by so long an usurpation, to redress all grievances, and to free our people from the unsupportable burden of the malt-tax, and all other hardships and impositions, which have been the consequences of the pretended union; that so the nation may be restored to that honour, liberty, and independence, which it formerly enjoyed. We likewise promise, upon our royal word, to protect, secure, and maintain all our protestant subjects in the free exercise of their religion, and in the full enjoyment of all their rights, privileges, and immunities, and in the secure possession of all churches, universities, colleges, and schools, conform to the laws of the land. All this we shall be ready to confirm in our first parliament; in which we promise to pass any act or acts that shall be judged

necessary to secure each private person in the full possession of his liberty and property, to advance trade, to relieve the poor, and establish the general welfare and tranquillity of the nation : in all such matters we are fully resolved to act always by the advice of our parliaments, and to value none of our titles so much as that of *common father of our people*, which we shall ever show ourselves to be, by our constant endeavours to promote the quiet and happiness of all our subjects. And we shall be particularly solicitous to settle, encourage, and maintain the fishery and linen manufactory of the nation, which we are sensible may be of such advantage to it, and which we hope are works reserved for us to accomplish. As for those who shall appear more signally zealous for the recovery of our just rights, and the prosperity of their country, we shall take effectual care to reward them according to their respective degrees and merits. And we particularly promise, as aforesaid, our full, free, and general pardon to all officers, soldiers, and sailors, now engaged in the service of the usurper, whether of the sea or land, provided that, upon the publication hereof, and before they engage in any fight or battle against our forces, they quit the said unjust and unwarrantable service, and return to their duty : in which case we shall pay them all the arrears that shall be at that time due to them from the usurper ; we shall grant to the officers the same commission they shall then bear, if not higher ; and to all soldiers and sailors a gratification of a whole year's pay, for their forwardness in promoting our service. We further promise and declare, that the vassals of such as shall, without regard to our present declaration, obstinately persist in their rebellion, and thereby forfeit all pretensions to our royal clemency, shall be delivered from all servitude they were formerly bound to, and shall have grants and charters of their lands to be held immediately of the crown, provided they, upon the publication of this our royal declaration, declare openly for us, and join heartily in the cause of their country. And having declared our gracious intentions to our loving subjects, we do hereby require and command them to be assisting to us in the recovery of our rights, and of their own liberties : and that all our subjects, from the ages of sixteen to sixty, do, upon the setting up of our royal standard, immediately repair to it, or join themselves to such as shall first appear for us in their

respective shires; and also to seize the horses and arms of all suspected persons, and all ammunition, forage, and whatever else may be necessary for the use of our forces. We also strictly command all receivers, collectors, or other persons, who may be seized of any sum or sums of money levied in the name or for the use of the usurper, to retain such sum or sums of money in their own hands, till they can pay them to some person of distinction appearing publicly for us, and demanding the same for our use and service; whose receipt or receipts shall be a sufficient discharge for all such collectors, receivers, or other persons, their heirs, &c. Lastly, we do hereby require all sheriffs of shires, stewarts of stewardries, and their respective deputies, magistrates of royal boroughs, and bailies of regalities, and all others to whom it may belong, to publish this our declaration at the market-crosses of their respective towns and boroughs, and there to proclaim us, under the penalty of being proceeded against according to law, for their neglect of so necessary and important a duty. Given at our court at Rome, the 23rd day of December, 1743, in the forty-third year of our reign.—J. R.”

The commission of regency ran as follows:—“JAMES, R.—Whereas we have a near prospect of being restored to the throne of our ancestors, by the good inclinations of our subjects towards us; and whereas, on account of the present situation of this country, it will be absolutely impossible for us to be in person at the first setting up of our royal standard, and even some time after: we therefore esteem it for our service, and the good of our kingdoms and dominions, to nominate and appoint, as we hereby nominate, constitute, and appoint our dearest son Charles, prince of Wales, to be sole regent of our kingdoms of England, Scotland, and Ireland, and of all our other dominions, during our absence. It is our will and intention, that our said dearest son should enjoy and exercise all that power and authority, which, according to the ancient constitution of our kingdoms, has been enjoyed and exercised by former regents. Requiring all our faithful subjects to give all due submission and obedience to our regent aforesaid, as immediately representing our royal person, and acting by our authority. And we do hereby revoke all commissions of regency, granted to any person or persons whatsoever. And, lastly, we hereby dispense with all formalities,

and other omissions, that may be herein contained; declaring this our commission to be as firm and valid to all intents and purposes as if it had passed our great seals, and as if it were according to the usual style and forms. Given under our sign-manual and privy-signet, at our court at Rome, the 23rd day of December, 1743, in the forty-third year of our reign.—J. R.”

The following was the manifesto of the prince, which followed the publication of the other two:—“CHARLES, P. R.—By virtue and authority of the above commission of regency, granted unto us by the king our royal father, we are now come to execute his majesty's will and pleasure, by setting up his royal standard, and asserting his undoubted right to the throne of his ancestors. We do, therefore, in his majesty's name, and pursuant to the tenor of his several declarations, hereby grant a free, full, and general pardon for all treasons, rebellions, and offences whatsoever, committed at any time before the publication hereof, against our royal grandfather, his present majesty, and ourselves. To the benefit of this pardon we shall deem justly entitled all such of his majesty's subjects as shall testify their willingness to accept of it, either by joining our forces with all convenient diligence; by setting up his royal standard in other places; by repairing for our service to any place where it shall be so set up; or, at least, by openly renouncing all pretended allegiance to the usurper, and all obedience to his orders, or to those of any person or persons commissioned or employed by him, or acting avowedly for him. As for those who shall appear more signally zealous for the recovery of his majesty's just rights, and the prosperity of their country, we shall take effectual care to have them rewarded according to their respective degrees and merits. And we particularly promise, as aforesaid, a full, free, and general pardon to all officers, soldiers, and sailors now engaged in the service of the usurper, provided that, upon the publication hereof, and before they engage in any fight or battle against his majesty's forces, they quit the said unjust and unwarrantable service, and return to their duty, since they cannot but be sensible that no engagements entered into with a foreign usurper, can dispense with the allegiance they owe to their natural sovereign. And, as a further encouragement to them to comply with their duty

and our commands, we promise to every such officer the same, or a higher post in our service, than that which at present he enjoys, with full payment of whatever arrears may be due to him at the time of his declaring for us: and to every soldier, trooper, and dragoon, who shall join us, as well as to every seaman and mariner of the fleet who shall declare for, and serve us, all their arrears, and a whole year's pay to be given to each of them as a gratuity as soon as ever the kingdoms shall be in a state of tranquillity. We do hereby further promise and declare, in his majesty's name, and by virtue of the above said commission, that as soon as ever that happy state is obtained, he will, by and with the advice of a free parliament, wherein no corruption nor undue influence whatsoever shall be used to bias the votes of the electors or the elected, settle, confirm, and secure all the rights, ecclesiastical and civil, of each of his respective kingdoms; his majesty being fully resolved to maintain the church of England as by law established, and likewise the protestant churches of Scotland and Ireland, conformable to the laws of each respective kingdom, together with a toleration to all protestant dissenters, he being utterly averse to all persecution and oppression whatsoever, particularly on account of conscience and religion. And we ourselves being perfectly convinced of the reasonableness and equity of the same principles, do, in consequence hereof, further promise and declare, that all his majesty's subjects shall be by him and us maintained in the full enjoyment and possession of all their rights, privileges, and immunities, and especially of all churches, universities, colleges, and schools, conformable to the laws of the land, which shall ever be the unalterable rule of his majesty's government and our own actions. And that this our undertaking may be accompanied with as little present inconvenience as possible to the king's subjects, we do hereby authorise and require all civil officers and magistrates now in place and office, to continue, till further orders, to execute their respective employments, in our name, and by our authority, as far as may be requisite for the maintenance of common justice, order, and quiet: willing, and requiring them at the same time, to give strict obedience to such

orders and directions as may from time to time be issued out by us, or those who shall be vested with any share of our authority and power. We also command and require all officers of the revenue, customs, and excise, all tax-gatherers of what denomination soever, and all others who may have any part of the public money in their hands, to deliver it immediately to some principal commander authorised by us, and take his receipt for the same, which shall be to them a sufficient discharge; and in case of refusal, we authorise and charge all such our commanders to exact the same for our use, and to be accountable for it to us or our officers for that purpose appointed. And having thus sincerely, and in the presence of Almighty God, declared the true sentiments and intentions of the king our royal father, as well as our own in this expedition, we do hereby require and command all his loving subjects to be assisting to us in the recovery of his just rights and of their own liberties: and that all such, from the ages of sixteen to sixty, do forthwith repair to his majesty's royal standard, or join themselves to such as shall first appear in their respective shires for his service: and also, to seize the horses and arms of all suspected persons, and all ammunition, forage, and whatever else may be necessary for the use of our forces. Lastly, we do hereby require all mayors, sheriffs, and other magistrates, of what denomination soever, their respective deputies, and all others to whom it may belong, to publish this our declaration at the market-crosses of their respective cities, towns, and boroughs, and there to proclaim his majesty, under the penalty of being proceeded against according to law, for the neglect of so necessary and important a duty: for, as we have hereby graciously and sincerely offered a free and general pardon for all that is past, so we, at the same time, seriously warn all his majesty's subjects, that we shall leave to the rigour of the law all those who shall from henceforth oppose us, or wilfully and deliberately do or concur in any act or acts, civil or military, to the let or detriment of us, our cause, or title, or to the destruction, prejudice, or annoyance of those who shall, according to their duty and our intentions thus publicly signified, declare and act for us. Given at Paris, the 16th of May, 1745.—C. P. R."

CHAPTER VIII.

THE YOUNG PRETENDER AT EDINBURGH; BATTLE OF PRESTON-PANS; RESOLUTION TO MARCH INTO ENGLAND.

THE regency left to govern in England—for the king was on the continent—appear to have been taken by surprise by this expedition. They had received uncertain information that the pretended prince of Wales was on his way for Scotland, which led to the publication, early in August, of a proclamation offering the sum of thirty thousand pounds for his apprehension; but they seem not to have suspected that the two vessels with which the *Lion* had engaged were any portion of his armament. The first authentic and clear information of the landing of the pretender which reached the government, was received by Duncan Forbes, from the chief of the Macleods, to whom the young chief of Clanronald had been sent by prince Charles, but who, partly influenced by Forbes, remained steady in his allegiance to the existing government. Forbes at once communicated it to general sir John Cope, who then commanded the forces in Scotland. These forces were, unfortunately very small, for the defence of Scotland had always been neglected in a very extraordinary degree, while the act for disarming the highlanders, had been effected only among the loyal clans, and taken it out of their power to be useful in resisting the rebellion at its outset. In this respect, the position of the north is well described in a letter from the lord justice-clerk Milton, written on the 15th of September, to the marquis of Tweeddale, then secretary of state for Scotland. "Scotland," he says, "may be divided into two parts; the one disarmed, and the other unarmed. By the former I mean the highlands; and by the latter the lowlands. The former produces as good militia perhaps as any in Europe; the latter are neighbourlike, but little accustomed to the use of arms till they are employed in a military manner. The highlands, again, may be divided into three classes; first, what I shall call the whig clans, which have always bore that character since the names of whig or jacobite were known among us; of this sort, your lordship and every one acquainted with this country knows, that the chief are the Campbells, Grants, Monroes, Mackays, and Sutherlands. The second class

are the clans still properly jacobite, and who at this moment are giving proof of it—the Camerons, the Macdonalds of Keppoch, Clanronald, and Glengarry—none of their chiefs reckoned great princes in the highlands. The third class are the clans which were engaged in the last rebellion, but their chiefs now profess and practise obedience to the government. Of these the most powerful are the duke of Gordon, Seaforth, sir Alexander Macdonald, and Macleod of Macleod. The behaviour of the two last has been most exemplary and meritorious on this occasion. By an act of the first of the late king, intitled, 'For the more effectually securing the peace of the highlands,' the whole highlands, without distinction, were disarmed, and for ever forbid to use or bear arms, under penalties. This act has been found by experience to work the quite contrary effect from what was intended by it; and in reality it proves a measure for more effectually disturbing the peace of the highlands, and of the rest of the kingdom. For, at the time appointed by the disarming act, all the dutiful and well-affected clans truly submitted to the act of parliament and gave up their arms, so that they are now completely disarmed; but the disaffected clans either concealed their arms at first, or have provided themselves since with other arms. The fatal effects of this difference, at the time of a rebellious insurrection, must be very obvious, and are by us in this country felt at this hour; I pray God they may be felt no farther south. By that disarming act, as it stands, there is still room left for arming occasionally even the highlands, or prohibited counties; and the method reserved or excepted from the prohibition is, when by his majesty's order, and out of his arsenal, the people are called out and armed by the lords-lieutenant of counties; then they may lawfully wear and use such arms, during such number of days or space of time as shall be expressed in his majesty's order." In fact, it cannot be doubted, that the effect of the act and of the extreme and unaccountable neglect of the government in not sending arms and orders for their distribution, left the loyal

subjects in Scotland at the mercy of the rebels, protected only by a very small number of regular troops, under a commander who, whatever might be his courage, possessed very little capacity; and, which was still more strange, this small force was ordered to the north to be wearied by long and useless marches, while the rebels took possession of the lowlands without resistance. It was suggested by Cope and others at Edinburgh, who were but imperfectly informed of the real state of things, that the best course was to march immediately into the disaffected districts and stop the progress of the insurrection before it became formidable, and accordingly the marquis of Tweeddale sent down absolute orders to the general to proceed immediately with the troops under his command to Fort Augustus, in the heart of the highlands. Cope proceeded to put himself at the head of his troops, which were assembled at Stirling, on the 19th of August, the same day on which the pretender had raised his standard in the vale of Glenfinnan.

Prince Charles passed that night in Glenfinnan, where he was joined by a few of the Macleods, who had taken up arms in his cause in spite of the contrary orders of their chief. Well aware of the defenceless state of the country, his friends decided on proceeding at once to the south, and they began their march the next morning. At the house of Lochiel, they were joined by Macdonald of Glencoe, with a hundred and fifty men; by Stuart of Appin, with two hundred; and by the younger Gengarry, with two hundred more; which raised his force to fifteen or sixteen hundred men. With this force, the young pretender acted as if he were already in possession of the kingdom of Great Britain. It was here, too, that he first received a copy of the proclamation setting a price upon his head, and he replied to it with the following counter-proclamation, which was at the best but a futile threat from one whose whole force and power consisted of a few highlanders in the recesses of the wild mountains of the north:—

“Charles Prince of Wales, &c., Regent of the Kingdoms of Scotland, England, France, and Ireland, and the dominions thereunto belonging.

“Whereas we have seen a certain scandalous and malicious paper, published in the style and form of a proclamation, bearing date the 1st instant, wherein, under pre-

tence of bringing us to justice, like our royal ancestor king Charles I., of blessed memory, there is a reward of thirty thousand pounds sterling, promised to those who shall deliver us into the hands of our enemies: we could not but be moved with a just indignation at so insolent an attempt. And though from our nature and principles we abhor and detest a practice so unusual among Christian princes, we cannot but out of a just regard to the dignity of our person, promise the like reward of thirty thousand pounds sterling, to him or those who shall seize and secure, till our further orders, the person of the elector of Hanover, whether landed, or attempting to land, in any part of his majesty’s dominions. Should any fatal accident happen from hence, let the blame lie entirely at the door of those who first set the infamous example.—CHARLES, P. R.

“Given in our camp, at Kinlocheill, August the 22nd, 1745. By his highness’s command.—JO. MURRAY.”

Although general Cope had collected all the men he could, his whole force consisted of hardly fifteen hundred foot and the two regiments of dragoons of colonel Gardiner and colonel Hamilton, with a train of artillery consisting of four small field-pieces and four cohorns; but he had no artillerymen, and all his soldiers were either raw recruits or men who had never seen service. His means of transport were so extremely limited, that he was obliged to march with the infantry in two divisions, and he found it advisable to leave the dragoons behind him at Stirling. The first division proceeded on the 20th to Crieff, where Cope expected to be joined by the well-affected highlanders in considerable numbers, and he had carried with him a thousand stand of arms for them; but all who arrived were fifteen of the duke of Athol’s men and a promise from the lord Glenorchy to send five hundred men in three days. Under these circumstances, the general sent seven hundred of the arms back to Stirling, and he seems at this time to have been convinced of the impolicy of a movement which he proceeded with only in obedience to the positive orders he had received from court. He was obliged to remain at Crieff till the 22nd, waiting the arrival of the second division of his little army, and supplies of provisions. He then proceeded to Dalnacardoch, but his progress was impeded by a variety of causes, and he lost many of his baggage-horses and stores through the disaffection of the drivers. At Tay-bridge

he was joined by about fifty of lord Loudon's regiment, but most of them deserted in the course of two or three days, and carried intelligence of his movements to the rebels. The latter, who were well informed of Cope's march, and of the road he was to take, pushed forward to occupy the formidable mountain of Corryarrak, which was traversed by the military road to Fort Augustus, passing on its south side up to the summit by seventeen ramps or traverses, and thence descending to the valleys on the north by other traverses, and crossing glens and mountain torrents under circumstances which would make an attack by the highlanders, even in a very small number, extremely dangerous.

When Cope reached Dalnacardoch on the 25th of August, he received the first authentic information relating to the proceedings of the rebels from captain Swettenham, one of the officers of the small force which had been captured by the highlanders on the 16th, and who had been an involuntary witness of the ceremony of raising the standard in Glenfinnan, but had subsequently been liberated on his parole. Swettenham told the general that when he left the rebels they were only about fourteen hundred strong, but that he had met with large parties of highlanders on their way to join them, and he had heard since that their force amounted to about three thousand men, with which they intended to take possession of the passes of Corryarrak. In spite of this intelligence, Cope obeyed his orders, and continued his march next day (the 26th) to Dalwhinnie, where he received from Duncan Forbes, who was at his house of Culloden, near Inverness, a message fully confirming the information given him by captain Swettenham, and warning him of the danger of proceeding over Corryarrak. Cope was now convinced that it was impossible to continue on the route which his orders indicated, and he immediately called a council of his officers, to whom he read his instructions and communicated his information as to the force, position, and intentions of the enemy. "The intelligence," we are informed by one of the officers present, "was undoubted that the enemy were to wait for us at Coirverg (Corryarrak); where their different parties, from the head of Loch Lochy, and Lugga-nauchnadrum, might easily join them. They intended to line the traverses or windings of the road, up the mountain, which are seventeen in number. In these traverses their

men would be entrenched to their teeth. They are flanked by a hollow watercourse, which falls from the top of the mountain; they intended to line this watercourse, where their men would be well covered, as likewise numbers of them might be among the rocks, on the top of the hill. They proposed to break down the bridge at Snug-burrow, which lifts the road over a steep precipice, and to place men in two hollow ways, which flank the road both ways. Formerly, several of our officers had marched over that ground, and all of them unanimously agreed, that to force the rebels in it was utterly impracticable; it must inevitably be attended with the loss of all our provisions, artillery, and military stores, &c., and indeed of the troops; that the giving the rebels any success upon their first setting out, was by all means to be prevented, as it might be attended with bad consequences to the service. The next question then was, whether it was most advisable to return to Stirling with all expedition, or march to Ruthven, and so on to Inverness. Upon this they were also unanimous in their opinion, that to return to Stirling was by no means advisable. The rebels could march to Stirling a nearer way than we could, by marching down the side of Loch-Rannoch. They would get to the bridge of Kynachin before us; they would break it down, and thereby cut off our retreat. This is a bridge upon Tummel, a water so rapid that it is not fordable in any place that I could hear of. To stay where we were, and thereby pretend to stop their progress southward, was folly: they could, without coming over Coirverg, go south by roads over the mountains, practicable for them, utterly impracticable for regular troops. And, upon taking a survey of our provisions, we found, that, what from our having been under a necessity to leave a great deal of it by the way upon the march, for want of horses to bring it along (which we found it impossible to get), and what from the great damage which that part of it which we did bring forward, had received from the rains, we had not above two days' bread left that could be eat, and we were unhappily in a country that could not supply us. There was therefore no manner of choice left us—to Inverness we must go; which we did accordingly." At Inverness, Cope was joined by two hundred of the Monroes, under captain George Monro of Culcairn, the only party which joined them during their whole march.

By this resolution to proceed to Inverness and Aberdeen, and thence back by sea to Leith, Cope left the road to Edinburgh by land entirely open to the rebels. These, after remaining from the 20th to the 23rd at the head of Loch Lochy, removed on the day last mentioned to Fassifern. On the 20th, they were at Moy in Lochaber, where they were joined by two hundred and sixty of the Appin men under Stuart of Ardshiel. In the course of the day, the young pretender received a message from Gordon of Glenbucket, informing him that the royalists were on their way to Dalwhinnie, and that they intended to pass the mountain of Corryarrak next day. Without delay the prince recommenced his march, and arrived the same night at Aberchaloder in Glengarry, where his army was swelled by the Macdonnells of Glengarry, and the Grants of Glenmorriston. Next morning, when they reached the summit of the mountain, a deserter from the royal army brought them the intelligence that Cope had determined to change his route. Imagining that this was merely the effect of fear, the highlanders were eager for the pursuit, and descending from the mountain they proceeded that day as far as Garrymore, where they arrived not long after Cope had left it on his way to Ruthven in Badenoch. The ardour of the highlanders was now moderated by their chiefs, who held a council of war, at which, influenced by the prince's secretary of state, Murray of Broughton, they resolved to relinquish the pursuit of Cope's army, and adopted the wiser plan of marching direct to the south, which had been left without protection. They, however, sent forward a detachment of three hundred men to surprise the barracks of Ruthven, and seize Macpherson of Clunie, who was preparing to raise his men and join sir John Cope. In the latter point they were successful, but they were beaten off from the barracks with loss, by the small garrison of twelve soldiers and a lieutenant. Macpherson of Clunie, who was a son-in-law of lord Lovat, now deserted the royalists, and raised his men for the service of the pretender.

After a rapid march through the mountains of Badenoch into the vale of Athol, the pretender reached Blair castle, the seat of the duke of Athol, on the 30th of August. The marquis of Tullibardine, who enjoyed the title of duke of Athol at the pretender's court, took possession of the family mansion, and feasted the prince with great

ostentation. They were joined here by several highland gentlemen, with as many men as they could collect rapidly, for the prospect of plunder in the south was a great temptation. Lochiel and lord Nairn were sent forward from Blair to proclaim the pretender at Dunkeld and Perth; and after two days' feasting at Blair, they were followed by the prince with the rest of his forces, who entered Dunkeld on the 3rd of September, and Perth on the 4th, at which latter place he was received with ostentatious ceremony. The prince's money was now reduced to one single *louis-d'or*, which he showed to the nonjuring parson Kelly, and told him with a smile that he should soon get more; and now, indeed, having got into a country where money was to be had, he set about collecting it with diligence. He remained about eight days at Perth thus occupied. The public money he seized, and the government taxes he caused to be collected, in Perth, amounted to about five hundred pounds; and Clanronald and Keppoch were dispatched to Dundee, where they also seized all the public money, and obtained a quantity of arms and ammunition from two vessels in the harbour of that town; while small parties overrun the country around, collecting the revenue and raising contributions. At Perth, the prince reviewed his army, which was far from answering his expectations, and, though some of the gentlemen of the country around came and looked on, it was evident that there was very little enthusiasm in the cause, in spite of which the prince set up an ostentatious standard, with the inscription *Tandem triumphans*, i.e., triumphant at last. He was, however, joined here by Clunie's men; by the duke of Perth, with two hundred of his tenantry; by Robertson of Struan, with a hundred of his men; by lord George Murray, with some Athol men; and by a few others. Lord George Murray was a valuable acquisition, for he had served with distinction in the armies of the king of Sardinia, and possessed daring courage and considerable military genius. He and the duke of Perth, who has been described by his contemporaries as a shallow-headed youth, were appointed conjointly lieutenant-generals of the army; and this appointment, with the proud air of superiority assumed by lord George, gave great offence to Charles's older friends, especially to the Irish officers, who immediately formed a party against him, in which the secretary and the prince's tutor joined.

Having collected all the money they could in that neighbourhood, and received the reinforcements they expected, the rebel army left Perth on the 11th of September, and began its march towards the capital.

Meanwhile in Edinburgh all was alarm and bustle, where, as early as the 9th of August, orders had been given to the officers of the trained bands, constables, and others, such as the circumstances seemed to require. Soon afterwards the city guard was augmented with thirty men; and all stablers, innkeepers, &c., were required to give the captain of the guard an account of all strangers, immediately on their coming to lodge with them. On the 26th, and some days after, strict search was made through the printing-houses for treasonable papers, copies of which had been distributed. Several arrests were also made. On the 27th, general Blakeney arrived from London, and proceeded to Stirling, where Gardiner's dragoons lay, while Hamilton's were quartered in the Canongate and Leith. On the 31st of August, certain information was received that the highlanders had entered Athol, upon which, at six o'clock, the drum beat to arms, and Hamilton's dragoons encamped that night in St. Ann's-yard. The town-council likewise met, and directed that the keys of the gates should be lodged with the captain of the guard, that sentries should be placed at each, and a second augmentation of the city guard be made. The trained bands now regularly mounted guard at night; and arms were sent from the city magazine to Leith, to arm the inhabitants. The city walls were ordered to be repaired, cannon to be placed on them, and a ditch to be thrown up, from the north side of the castle to the North Loch. To hasten these fortifications, the workmen were employed even on Sunday (the 8th.) The same day, the last portion of six thousand stand of arms, from London, were carried to the castle from Leith. Many of the principal inhabitants came forward and offered to defend the city at the hazard of their lives, together with the regular trained bands, and their offer being accepted, a royal sign-manual, dated September 4th, came, authorising the lord provost, magistrates, and council, to raise, form, discipline, and maintain at their own proper charge, by voluntary subscription of the inhabitants, one thousand foot for the defence of the city and support of his majesty's government. A subscription was accordingly opened on the

9th of September, and in two hours money for maintaining six hundred men was subscribed for, and a month's pay advanced. The same day a subscription for volunteers was opened, which a great number of the inhabitants crowded to sign; the enlisting of the men for the Edinburgh regiment went on rapidly; the volunteers received arms and ammunition from his majesty's magazine, and were daily exercised. Glasgow, Aberdeen, and the other principal towns, likewise took measures for their own security. Hamilton's dragoons moved their camp from St. Ann's-yard to Beardford's-park, to the north of the castle, on the 4th, and from thence to Leith Links on the 6th. All the vessels in the Forth were removed to the south side. When news of the nearer approach of the highland army reached Edinburgh, the magistrates assembled, the trained bands mounted guard in the parliament house, the volunteers in the exchequer, and the Edinburgh regiment in the justiciary hall. The trained bands consisted of sixteen companies, different in number, some sixty and some one hundred men; but at that time they were fewer, as several of them had joined the gentlemen volunteers. Of these there were six companies, in number about four hundred. There were also above two hundred seceders, volunteers, commanded by Mr. Bruce of Kennet. Upwards of two hundred men were raised for the Edinburgh regiment; and the city guard amounted to about one hundred and twenty trained men, under three captains. The trained bands had the arms and ammunition belonging to the city; and the volunteers and Edinburgh regiment received arms and ammunition from the castle. Next day (the 14th of September), the banks, public offices, and the most valuable effects of some private persons, were removed to the castle.

The pretender had reached Dunblane on the evening of the 11th of September, the day he left Perth, and had been joined on the road by two hundred and fifty of the Macgregors under Macgregor of Glenguile, and by Macdonald of Glencoe, with sixty of his clan. He had now received intelligence that Cope having arrived with his forces at Inverness, was on his way to Aberdeen to embark them for Leith, and he was anxious to get to the capital before him. He therefore pushed forward next day to the Firth of Forth, and knowing that some ships of the royal navy were stationed at the

head of the Firth, and that the bridge of Stirling was commanded by the guns of the castle, he directed his march to the ford of Frew, about eight miles above Stirling, where he crossed the Forth without any opposition, on the evening of the 13th. Gardiner's dragoons, who were on the opposite shore, instead of attempting to defend the ford, turned their horses immediately and fled precipitately to Falkirk. Charles dined with his officers and slept that night at Leckie-house, the owner of which had been arrested and carried away prisoner the night before for the preparations he was known to be making for his reception. Next day the rebels marched to Falkirk, where the earl of Kilmarnock, who, unfortunately for himself, and partly it was said through the influence of his countess, had broken his allegiance to king George, received the prince in his house at Callender. Gardiner had taken up his position with his dragoons at Linlithgow, and had sent a pressing demand to Edinburgh for reinforcements to enable him to defend the bridge, but none came; and when lord George Gordon, who had set off from Falkirk with a thousand highlanders at two o'clock of the morning of the 15th (Sunday), in the hope of surprising the dragoons, arrived at Linlithgow, he found that they had left the place and retired to Kirkliston. The prince arrived with the army at Linlithgow soon after ten o'clock, and at night quartered his army to the east of the town. On Monday morning the highlanders continued their march towards Edinburgh, Gardiner's dragoons again flying before them. To avoid the fire of the castle, Charles's army turned off to the right at Corstorphine, and he established his head-quarters at Gray's Mill.

The citizens of Edinburgh were still occupied in preparing their defences, when, on the morning of the 15th of September, intelligence was brought that the highland army was at Linlithgow; report added that detachments were pushed forward to Kirkliston, Wainsburgh, and Gogar, only five or six miles to the west of Edinburgh; and it was known that Gardiner's dragoons had fallen back and posted themselves at Corstorphine, two miles from the city. The confusion occasioned by this intelligence was increased by the occurrence at this moment of municipal disputes arising out of local rivalry. The period for the election of magistrates was at hand, and the citizens

neglected the foe without, in their earnestness in a struggle that was going on within their walls. In 1740, the provost, Alexander Drummond, had been turned out of his office and his place supplied by Stuart, and there had been rivalry, if not hostility, between the two parties ever since. Drummond now aimed at ejecting Stuart, and as the latter appears to have had little faith in the military capacity of the volunteers to whom the defence of the capital appeared to be left, and was averse to risking the fortunes of the citizens on their courage, Drummond, foreseeing that his caution might be construed into disaffection to the government, endeavoured to signalise himself by his zeal and courage on the other side. No sooner was it known on the morning of the 15th of September that the rebels were so near to Edinburgh, than Drummond, without consulting with the provost, proposed to general Guest, an able and brave officer who commanded the king's troops in Edinburgh during Cope's absence, that a detachment of the volunteers, two hundred and fifty strong, should march out to join the dragoons at Corstorphine, for the purpose either of attacking the highlanders, or of assisting in the defence of their position, if attacked. The offer was accepted, and general Guest asked for fifty of the city guard to co-operate with them. The lord provost replied at first that he thought it absolutely necessary for the safety of the place, that all the city guard should be kept within the town; but some of the other party in the municipal body remarked, that if, by complying with the general's request, the enemy's progress should be stopped, the city would thereby be more effectually preserved than by trusting only to themselves, upon which the provost, seeing probably the design of his opponents, suddenly turned round and ordered that, instead of fifty, the whole city guard, and all the men enlisted for the Edinburgh regiment that were not on guard in the town, should march out and receive orders from the commanders of the king's troops. Guest now ordered Hamilton's dragoons to remove from Leith Links, and join Gardiner's regiment at Corstorphine. At eleven o'clock the fire-bell rang the signal for the volunteers to arm, and they marched to the rendezvous at the Lawnmarket; and as the alarm was given during divine service (it was sabbath-day), the churches were instantly emptied, but unfortunately it was not to encourage the

martial spirit of their townsmen, for the wives, daughters, and sweethearts of the city militia and volunteers, and many even of their male relatives, clung about them protesting against their risking their lives outside the town against the highland savages. A little after twelve, the city guard, with a detachment of the Edinburgh regiment, marched out, and halted on the east side of Colt-bridge, waiting for the body of volunteers, who began to feel more and more disinclined to venture out of the town. The dragoons meanwhile had assembled outside the walls, and were heard clashing their swords together, at which the volunteers raised a shout, and Drummond, who had got himself appointed their captain, so far encouraged them that they marched off to join the regulars; but on their way numbers disappeared at every court or doorway by which they could escape; and when captain Drummond reached the West Port, he found that he had only the forty men of his own company to lead against the enemy. Drummond returned with his company to the college-yard, and then the provost sent orders to the city guard, of ninety men, and to some of the Edinburgh regiment, to march forward and join the dragoons, which they did, and continued under arms till night. At nine o'clock the dragoons retired to the east side of Colt-bridge, and lay upon their arms all night, in a field between Edinburgh and Leith, and colonel Gardiner sent the city guard and volunteers back into the town as of no use. The rest of the volunteers, with a great part of the trained bands, and those of the Edinburgh regiment that had not marched to Corstorphine, had remained under arms all day within the town; and at night, after placing the proper guards, consisting of about seven hundred men, they separated with orders to be ready to appear at their respective alarm-posts whenever they should hear the fire-bell. Two small bodies of men from about Dalkeith and Musselburgh, had come in by order of the duke of Buccleugh's factors and sir Robert Dickson of Carberry, to assist in defending the city, and had arms and ammunition delivered to them.

Next morning, the city guard and a detachment of the Edinburgh regiment again marched out to join the dragoons; but on hearing of the approach of the highland army, a party of dragoons posted near Corstorphine, fell back in disorder upon the main body at Colt-bridge, and about three

o'clock in the afternoon, while the city soldiers made the best of their way into the town, all the dragoons fled in the utmost confusion by the north side of the city towards Leith, and their terror was such, that, on some mischievous boys shouting out that the highlanders were coming, they took the road to Musselburgh, and never stopped till they got to the village of Preston-pans. This precipitate flight caused the utmost consternation in the city. Information had been received that general Cope, with the troops under his command, was to have embarked at Aberdeen on the 14th or 15th, and the news of his landing in Lothian was hourly expected. But as he had not yet been heard of, and the regular forces had fled, and as all the ministers of state had withdrawn from Edinburgh, many of the inhabitants thought it time to consult for the safety of the city. Accordingly a petition, signed by several citizens of influence, was presented to the magistrates and council then assembled in the goldsmith's-hall, requesting that a meeting of the inhabitants should be instantly called, in order to determine what was proper to be done. The provost pretended to disapprove of this petition, and said, that as all the inhabitants were well armed, as some people from the country had come to their assistance, and as great expenses had been laid out in fortifying the city, there was no doubt but they ought to stand to their defence; adding that he himself should first mount the ramparts. To this the petitioners replied, that a great many of the trained bands were of opinion that the city was not tenable; that the sudden flight of the regular forces made it evident they were of the same opinion, and that, if standing out for an hour or two, which was all that could be done, would bring the lives and properties of the inhabitants into certain hazard, without doing any real service to the cause intended to be served, it was much better to capitulate upon the best terms that could be got. On this the lord provost, seeing a gentleman who possessed a considerable place under the government, and was formerly in the army, asked his advice, who gave it as his opinion, that if all the inhabitants were of one mind, the city might perhaps hold out for a short time, but as they were divided, care should be taken that the king's arms should not fall into the hands of the enemy. The provost thereupon, with apparent reluctance, agreed

to call a meeting of the inhabitants as desired by the petition. The inhabitants were accordingly invited to meet in the new church aisle, where the provost, magistrates, and a great number of the inhabitants assembled, and he then told them, that the magistrates had called them together for their advice; that the city had been put to very great expense in preparing for a defence; that, for his own part, he had not had a military education, and was altogether unskilled in these matters; that therefore he entreated his fellow-citizens to advise what should be done in the present exigency, and he would cheerfully do what should be agreed upon by them. The point in debate was, whether or not the city should stand out? Mention having been made, in the course of the reasoning, of the assistance to be expected from the dragoons, the provost said, that he had been present at a council of war the night before, in which it was the opinion of all the officers, that the bringing the dragoons into the town would be cooping them up to their destruction. While this matter was in debate, a message came from general Guest, by which it appeared that a warrant had been sent to the general a few hours before, signed by the provost and lord advocate, empowering him, if he thought proper, to send in one hundred dragoons to assist in the defence of the city, and his excellency now wanted to know whether the provost desired that the one hundred dragoons, or a greater number, and what number, should enter the town. When the opinion of the meeting was asked, they said, "No dragoons." The lord provost then desired the secretary to tell the general, that, after what had passed in the council of war, it was to be feared if he should call in the dragoons, and any ill consequences followed, it might be said that he had drawn them into a snare; that therefore he would not ask for them, but if the general thought proper to order the whole, or any number in, the gates should be open for their reception. No dragoons, however, came. The question was then put, whether the town should be defended? and only three or four said "yes." It was then agreed to capitulate upon the best terms that could be got; and that in the meantime the king's arms should be returned to the castle. When they were about to name deputies to treat with the highland army, a letter was handed in, addressed to the lord provost and magistrates, which was ordered

to be read. It began—"Whereas we are now ready to enter the beloved metropolis of our ancient kingdom of Scotland"—Here the reader was stopped, and asked by whom the letter was signed, and upon his answering that it was superscribed, "Charles, prince of Wales," &c., the provost would not hear it read; so the meeting broke up. The magistrates and council returned to the goldsmith's-hall, and sent off deputies to treat, and ask for time for further deliberation, while the volunteers and Edinburgh regiment marched up to the castle and returned their arms, and a party of the trained bands and city guard kept watch all night.

About an hour after the deputies had been sent to treat with the rebels, information was brought to the provost that Cope had landed with his troops at Dunbar, and the magistrates so far recovered their courage, that it is said a messenger was sent after the deputies to recall them, but the information proved to be premature, and they were already in the pretender's camp. Moreover, reports had been spread among the citizens of an alarming character, and had produced the effect of exciting their terror. It was said that the highland army numbered sixteen thousand men, and that in case of the slightest resistance, the capital was to be given up to indiscriminate pillage. The summons which had been sent in by Charles under his signature as prince-regent, was expressed in terms not calculated to allay the alarm. "Being now," he said, "in a condition to make our way into the capital of his majesty's ancient kingdom of Scotland, we hereby summon you to receive us as you are in duty bound to do; and in order to it, we hereby require you, upon receipt of this, to summon the town council, and take proper measures for securing the peace and quiet of the city, which we are very desirous to protect. But if you suffer any of the usurper's troops to enter the town, or any of the cannon, arms, or ammunition now in it, whether belonging to the public or private persons, to be carried off, we shall take it as a breach of your duty, and a heinous offence against the king and us, and shall resent it accordingly. We promise to preserve all the rights and liberties of the city, and the particular property of every one of his majesty's subjects. But if any opposition be made to us, we cannot answer for the consequences, being firmly resolved at any rate to enter the city; and

in that case, if any of the inhabitants are found in arms against us, they must not expect to be treated as prisoners of war." Even the martial zeal of captain Drummond, the ex-provost, had cooled down, and he had taken the wise precaution of causing the volunteers and the Edinburgh regiment to return their arms to the castle.

The deputies had been directed to ask for time for the magistrates to consult with the citizens before they gave the pretender a decided reply to his summons. They returned about ten o'clock in the evening, and the prince sent word by them that he considered the manifesto and declaration of the king his father a sufficient capitulation for all his subjects to accept with joy, and that he expected to be received and obeyed as his representative. He further expressed the hope that no arms or ammunition had been carried away or concealed, and that he should expect their final and positive answer at two o'clock in the morning. As, however, the magistrates had now received intelligence of the approach of general Cope, they were anxious to prolong the negotiations, and the deputation again waited upon Charles to ask for a suspension of hostilities until nine o'clock the next morning. This was refused peremptorily, and the deputies were ordered to return into the city. Meanwhile, Lochiel, with about eight hundred highlanders had been secretly sent to lie wait outside the Nether Bow Port, and when, after the deputies had re-entered the city, the coach which had conveyed them was returning to the Canongate, where it had been hired, and the porter at the Nether Bow opened the "port" incautiously to let them pass, the highlanders suddenly rushed in with a tremendous shout, or rather yell, and made themselves masters of the guard. They marched in a column along the High-street to the city guard-house, of which they took possession, and then, having seized upon the other gates and placed their own guard upon them, they drew up in the parliament-close, to wait the arrival of their friends.

About eight o'clock next morning, Charles, who had received immediate information of the success of Lochiel's stratagem, removed from his head-quarters at Slateford, but in approaching the city he was obliged to take a circuitous route in order to avoid the range of the castle guns. He entered the King's-park from Duddingston, and having ordered his troops to encamp in the deep

valley behind Arthur's Seat and Salisbury crags, where they were sheltered, he rode with his principal officers along the Duke's-walk to Holyrood-house. The park was crowded by people who were anxious to catch a glance of the young pretender, who indulged them by proceeding slowly and stopping from time to time to exhibit himself. One of the historians of these events, Home, who was present on this occasion, has left us the following description of the personal appearance of the young prince:—"The figure and presence of Charles Stuart were not ill-suited to his lofty pretensions. He was in the prime of youth, tall and handsome, of a fair complexion; he had a light-coloured periwig, with his own hair combed over the front; he wore the highland dress, that is, a tartan short coat without the plaid, a blue bonnet on his head, and on his breast the star of the order of St. Andrew. Charles stood some time in the park to show himself to the people; and then, though he was very near the palace, mounted his horse, either to render himself more conspicuous, or because he rode well and looked graceful on horseback. The jacobites were charmed with his appearance; they compared him to Robert the Bruce, whom he resembled, they said, in his figure as in his fortune. The whigs looked upon him with other eyes. They acknowledged that he was a goodly person; but they observed that even in that triumphant hour, when he was about to enter the palace of his fathers, the air of his countenance was languid and melancholy; that he looked like a gentleman and a man of fashion, but not like a hero or a conqueror. Hence they formed their conclusions that the enterprise was above the pitch of his mind; and that his heart was not great enough for the sphere in which he moved." At mid-day, the heralds, who had been taken in Edinburgh, were conducted to the old cross, and there, in presence of the highlanders, who were drawn up in arms, and with some rather feeble shouting from the crowd and waving of pocket-handkerchiefs from ladies in the windows, they were compelled to proclaim king James, and to read his declaration, his commission of regency to his son, and the manifesto of the latter. Lord Elcho had joined the pretender on the previous night, and his example was followed afterwards by the earl of Kellie, lord Balmerino, sir Stuart Threipland, sir David Murray, and a few other lowland gentlemen, but there was evidently

no great enthusiasm in his cause in the south.

At Inverness, general Cope had consulted with the president, Duncan Forbes, whose presence in that quarter was at this moment of singular use to the government, although Cope received no accession of strength from the loyal clans, who were in general unarmed, and who seem to have been afraid to come forward. Two hundred of the Monroes offered themselves for fourteen days, after which they said their services were wanting in the harvest. Forbes was successful in keeping many of the doubtful clans in inaction, but even he was deceived in many cases by the solemn but hollow promises and professions of the disloyal chiefs, among whom the old traitor lord Lovat now stood foremost. On the first news of the landing of the pretender, the lord advocate, Robert Craigie, had written to Lovat, complimenting him on his influence in the northern highlands, and on his known zeal for the service of king George, and Lovat in reply assured him that his zeal was unchanged, and asked for a supply of arms to enable him to bring out his clan for the service of the government. "My clan and I," he said, "have been so neglected these many years past, that I have not twelve stand of arms in my country, though I thank God I could bring twelve hundred good men to the field for the king's service, if I had arms and other accoutrements for them. Therefore, my good lord, I earnestly entreat that, as you wish that I would do good service to the government on this critical occasion, you may order immediately a thousand stand of arms to be delivered to me and my clan at Inverness; and then your lordship shall see that I will exert myself for the king's service. Although I am entirely infirm myself these three or four months past, yet I have very pretty gentlemen of my family that will lead my clan wherever I bid them for the king's service. And if we do not get these arms immediately, we will certainly be undone. For those madmen that are in arms with the pretended prince of Wales threaten every day to burn and destroy my country, if we do not rise in arms and join them; so that my people cry out horribly that they have no arms to defend themselves, nor no protection nor support from the government. So I earnestly entreat your lordship may consider seriously on this; for it will be an essential and serious loss to the government

if my clan and kindred be destroyed, who possess the centre of the highlands of Scotland, and the countries most proper by their situation to save the king and government." In the same letter he says, alluding to the pretender, "I hear that mad and unaccountable gentleman has set up a standard at a place called Glenfinnan, Monday last." At this very moment Lovat was in secret communication with the prince, and had accepted from him a patent of the title of duke of Fraser. He had sent Fraser of Gortuleg to congratulate Charles on his arrival, and assure him of his attachment to his cause; and he wrote to Lochiel, who had paid him a personal visit to consult him on their plans—"My service to the prince; I will aid you what I can, but my prayers are all I can give at present." Nevertheless, Lovat waited to see what probability there was of success, and especially till he obtained a supply of arms from the government, before he openly declared in his favour. He paid a visit to Duncan Forbes to assure him in person of his loyalty, and to press again for the arms; and Forbes was so far deceived in him, that he recommended his request to be granted. The president wrote from Culloden-house on the 19th of August—"Lord Lovat was with me here last Thursday, and has, by the bad weather, been detained at Inverness till this day. He has declared to me his full purpose to be prudent, and I verily believe him." Next day Forbes wrote to recommend his request for arms, adding that he and lord Fortrose had been with him and promised to collect their people together in defence of the existing government, and that it was of the utmost importance that if the pretender came that way he should not find them unarmed. Lovat continued to correspond with him, and informed him of the defection of chief after chief with pretended regret; and on the 27th of August he wrote to Forbes as follows:—"I own I must regret my dear cousin Lochiel, who, contrary to his promise to me, engaged in this mad enterprise; but if sir J. Cope is beat (which I think next to impossible), this desperate prince will be the occasion of much bloodshed, which I pray God may avert; for to have bloodshed in our bowels is a horrible thing to any man who loves Scotland, or has a good stake in it, as your lordship and I have. Therefore I pray God that we may not have a civil war in Scotland; this has been my constant wish since ever I had the use of my reason,

and it shall be the same while there is breath in me; so that they must be damnably ignorant of the principle of my life and soul who can imagine that I would endeavour to promote a civil war in my country." Fortunately Lovat did not get the arms, and a very short time elapsed before his treachery became apparent.

All the reinforcements which Cope obtained at Inverness consisted of a company of Guise's regiment and some incomplete companies of that of lord Loudon. He was detained for some days by unavoidable delays, arising partly from the want of provisions; and it was only on the 15th of September that he embarked at Aberdeen to return to the capital by sea. He arrived on the evening of the 16th off Dunbar, and landed his troops during the following days. Here he found the fugitive cavalry, who, after their flight from Edinburgh, had stopped to pass the night at Preston-pans, where they lay in the fields, while colonel Gardiner, who was suffering under the united effects of personal illness and of mortification at the cowardice of his regiment, had retired for repose to his own house, which stood near. Between ten and eleven o'clock, one of the dragoons, seeking forage for his horse in the dark, fell into an old coal-pit, and made such a noise, that the rest of the dragoons took alarm, and, believing that the highlanders were coming, without stopping for reflection, mounted their horses, and galloped off to Dunbar in such terror and confusion, that many of them threw away their arms. Next morning colonel Gardiner found all his men gone, and rode after them with a heavy heart. He found the road to Dunbar strewn with swords, pistols, and firelocks, which he caused to be gathered up and carried on in covered carts. On the morning of the 18th, Cope completed the landing of his infantry, which already began to be infected with the example of the cavalry. He found here a number of the law officers who had retired from Edinburgh, and was joined by the earl of Home, who, however, had only two servants in his company. The general found here also those of the Edinburgh volunteer regiment who had left the capital, among whom was Home the poet, who afterwards wrote a history of the rebellion. Home had visited the rebels' camp, and he reported to Cope that their numbers were not two thousand, but that they were strong, active, and hardy men and very

fierce and resolute in their appearance. About two-thirds of them, he said, were armed with firelocks, but of a great variety of make and shape, and with broadswords, many of which were of French manufacture. The arms of the rest consisted chiefly of the blades of scythes fixed to the handles of pitchforks. Their artillery consisted only of one iron gun, which was laid on a cart, and drawn by a highland pony. But he added that their numbers were rapidly increasing by fresh arrivals from the north, and that their previous want of arms would be supplied by those they had seized in the capital.

Cope was led to imagine that he should have an easy victory over troops like these, and he seems even to have thought that he had only to show his army to strike them with terror. It was perhaps with some idea of this kind, that, when he left Dunbar on the 19th of September, he carried such an immense train of baggage waggons that his army appeared much larger than it really was. Of the two roads to Edinburgh, he chose the shortest, but not the best, and he appears not to have taken proper precautions to explore the country over which he directed his march. The first day he only marched to a place a little to the west of Haddington, where his army encamped in the fields. The fear of a surprise caused the general, about nine o'clock in the evening, to send out scouts, and eight of the young men of the Edinburgh volunteers were chosen for this purpose. They were mounted on horseback, and went in parties of two along the main road and along such diverging paths as led towards Duddingston. About midnight they returned to the camp, and reported that all was quiet, and then eight more of the volunteers were sent out, who patrolled the roads till morning. Two of these, however, never returned. In the morning Cope continued his march, and, when he came near Haddington, he turned off from the high road, and proceeded by the lower road by St. Germain's and Seaton. His officers and soldiers made no secret of their confident belief that, furnished as they were with cannon and with all the accompaniments of a regular army, the highlanders would not dare to fight them, and that there would be no battle. But they found their mistake when, on entering the flats between Seaton and Preston, lord Loudon, who had gone forward to reconnoitre, rode back with the intelligence that the highland army was in full march to meet them, and that it was

seen approaching by the ridge of hills to the south. Cope, on receiving this information, pushed on to the village of Preston-pans, and there formed his men in order of battle.

The camp of the highland army was at the village of Duddingston, between Edinburgh and Dalkeith. It had been continually increasing by the arrival of small bodies of recruits, and with five hundred Athol men brought in by lord Nairn, it amounted to at least two thousand five hundred men, who were all more or less excited in the cause for which they had been brought together, and were now well furnished with arms, shoes, tents, and other articles, exacted from the citizens of Edinburgh. On Thursday evening, the 19th of September, prince Charles went from Edinburgh to Duddingston, and slept that night in the camp. Early in the morning, the whole army was drawn up, and the prince placed himself at their head, flourishing his drawn sword, and exclaiming, "Gentlemen, I have thrown away the scabbard!" The highlanders answered with a shout, and immediately commenced their march in one long narrow column. After passing the bridge at Musselburgh, they turned off from the high road, and marched over the high grounds to Carberry-hill, where they were informed that Cope and the king's troops were at Preston-pans. They now continued their march along the hills until they reached Tranent, from whence they had a full view of the royal army drawn up on Gladsmuir, a little in advance of the village of Preston-pans, its right supported by colonel Gardiner's park-wall, and its left by Seaton-house and the sea. The two armies greeted each other with a shout of defiance, and the highlanders demanded to be led immediately to the attack, but, though it was still early in the afternoon, it was soon found that the ground between them, consisting of a deep morass, rendered more difficult by intersections of hedges and dykes, was not apparently passable, and right in front of the king's troops, between them and the swamp, was a deep ditch lined with a thick and strong hedge. Kerr of Graden volunteered to ride down from the hills and examine this ground more closely, which he did in the most deliberate manner, mounted on a little white pony, and thus made a still more conspicuous object for the enemy's shots, and on his return he reported that the royalists could not be attacked on that side.

Thus disappointed, and evening approaching fast, the highlanders very reluctantly lay upon their arms till the morrow, the only interruption to the inactivity of both parties arising from a few cannon-shots fired by the king's troops to dislodge the highlanders from the churchyard of Tranent.

The night was very dark and cold, and therefore favourable to any secret movement. Some of the highlanders whom Cope had brought from the north took advantage of it to desert, and encouraged the rebels by their account of the condition of the king's troops; while Hepburn of Keith, one of the most devoted of prince Charles's followers, whose father had been out in the rebellion of 1715, received private information from a jacobite gentleman of the neighbourhood named Robert Anderson, of a pass in the morass, by which Anderson offered to lead them over it, without the enemy's knowledge, to a place where they might form without any danger or difficulty. Anderson was a man sufficiently well known to the jacobites to give them confidence in his information, and Hepburn immediately consulted with lord George Murray, who was Charles's military adviser, and they led Anderson to the prince, who was found sleeping on the ground with a sheaf of peas for his pillow. A council of war was now called, at which Lochiel and the other chiefs were present, and it was determined to take Anderson as their guide and attempt the passage of the morass at break of dawn. This design was favoured by a thick mist, which lay especially on the low swampy ground, and the highlanders marched in perfect silence in column, as before, three men only in a rank, with the Clanronalds in front, down a hollow in the hills, until they arrived at the spot where, according to the information of their guide, the morass was passable. Here their foot-falls roused a picket of dragoons on the other side, who shouted out, "Who goes there?" and, instead of waiting for an answer, rode off to give the alarm. Meanwhile, the highlanders made all haste to pass the morass, and, in spite of the badness of the ground (they often sunk up to their kilts), they cleared it very rapidly, and having crossed the ditch by a narrow wooden bridge, they halted within it and formed as quickly as possible in order of battle. Their first line, or main body, commanded by the two generals, the earl of Perth and lord George Murray, was formed by the Clanronalds; the men of Glengarry, and those of Keppoch,

forming the right wing; the MacGregors and the duke of Perth's men in the centre; and the men of Appin and Lochiel on the left. The reserved, or second line, which was commanded by lord Nairn, contained the men of Athol, the Robertsons of Strowan, the Macdonalds of Glencoe, and the Mac-Lauchlans. Prince Charles remained with this second line, which was never engaged, and therefore out of danger.

While these events were taking place, general Cope was not present, as he had sought comfortable quarters for the night at the village of Cockenzie, on the seashore not far off, where intelligence of the approach of the rebels was quickly conveyed to him. When he arrived on the field, he found that the disposition of the highlanders rendered it necessary for him to change his front, an operation which occasioned considerable confusion among men who appear on the whole to have possessed few of the qualities of a good soldier. His centre consisted of the four regiments of Lee, Guise, Lascelles, and Murray, two of which were very incomplete. It was protected by Hamilton's dragoons on the left, and by Gardiner's dragoons and the artillery on the right, nearest to the morass. The artillery, consisting of seven small cannons and four cohorns, was only served by a few unskilful sailors, who had been pressed for the occasion, and who were quite incapable of using them with effect. Moreover, the parties of infantry who had been placed during the night as outposts, could not find their regiments in the hurry of re-forming the line, and they had taken up their position on the right, where they cramped the movements of the cavalry. All these circumstances combined to destroy the confidence of the king's troops, when the crackling of the stubble on the recently cleared harvest-fields in which they were stationed, announced the rapid approach of the enemy.

From the position of the two armies with regard to each other, the first attack was made upon the artillery by the Camerons under Lochiel. The sailors, finding themselves ill-supported by the cavalry, abandoned their guns precipitately, after firing a few shots, which were so ill-directed that they caused very little loss. The highlanders were proverbially afraid of artillery, and the facility with which they made themselves masters of these guns increased their courage amazingly. They might have been easily recovered by the dragoons, but

these acted even with more cowardice than at Edinburgh, and in spite of all the efforts of colonel Gardiner to rally them, they turned tail at the first volley from the rebels, and rode off as hard as they could. Hamilton's regiment acted in the same manner. The foot, thus deserted by the cavalry, offered but little resistance; they fired a few rounds, and, when the highlanders threw away their muskets and rushed upon them with their terrible broadswords, they fled in every direction. A few, without officers, stood their ground bravely, and colonel Gardiner, who, with his lieutenant-colonel Whitney had disdained to fly with their men, hurried to their assistance. "These brave fellows," he cried, "will be cut to pieces for want of a commander;" and riding to their front, he cheered them and took the command. But almost at the same time he was struck down by the scythe of a highlander, and expired near his own park-wall. After his death, there was no resistance. The highlanders, more swift of foot than the English infantry, killed many and took a great number of prisoners. General Cope, with the earls Loudon and Hume, reached Berwick with about four hundred and fifty of the horse, who escaped the more easily as the rebels had no cavalry. Of about fifteen hundred infantry, scarcely more than two hundred escaped, of whom a hundred and five were received into Edinburgh castle, and the rest fled to Berwick. The whole engagement, which the jacobites called the battle of Gladsmuir, but which has more commonly been designated by the name of the neighbouring village of Preston-pans, was over in a very short space of time. The number of the slain on the part of the royalists is believed to have been between four and five hundred. According to their own account, the rebels lost forty killed, and had less than double that number wounded. The baggage and military chest, containing about fifteen hundred pounds, fell into their hands.

Prince Charles appears to have kept aloof from the action, and to have made no great show of courage; but when it was all over, he made great professions of clemency, remaining on the field till mid-day, and giving orders for the disposal of his prisoners, and for the relief of the wounded on both sides. The former were treated with affected moderation, and, being sent next day to Edinburgh, the common soldiers were confined

in the Canongate church, while the officers were allowed to be on their parole. Charles himself slept at Pinkie the night after the battle, and proceeded to Edinburgh next morning. On his arrival at Holyrood-house, the band played the tune of "The king shall enjoy his own again," and there were great demonstrations of joy, especially among the highlanders, who, however, were rapidly diminishing in numbers, as many of them hurried back to the highlands to carry home their plunder. When reviewed a few days afterwards, not more than fourteen hundred men appeared in the ranks.

The period which immediately followed the young pretender's return to Edinburgh may fitly be designated as the age of proclamations; for, as there were no longer any regular troops in Scotland to oppose him, he was left in peaceable possession of the capital and its surrounding country. The first of these proclamations, which was worded as follows, is remarkable only for its affectation of humility and moderation. The prince had already sent to the presbyterian ministers in the city, desiring them to continue public worship as usual, and the bells were rung on the following day, but none of the ministers appeared, so that there was no sermon in any of the churches.—*"Charles, Prince of Wales, &c., Regent of Scotland, England, France, and Ireland, and the dominions thereunto belonging, to all his Majesty's subjects, greeting.*—Having always had the greatest fatherly love and compassion to all our royal father's subjects, and having, with concern, reflected on the many and heavy oppressions they have groaned under during this long usurpation, we were, from these motives, influenced to undertake this present enterprise, which it has pleased Almighty God to favour, by granting us hitherto a most surprising success. And whereas it has been represented to us by many of our loyal subjects, that many of the inhabitants of our ancient city of Edinburgh, intended to testify their joy upon our late victory at Gladsmuir, by public rejoicings usual upon the like occasions, we, reflecting, that however glorious the late victory may have been to us, and however beneficial to the nation in general, as the principal means under God for the recovery of their liberty; yet in so far as it has been obtained by the effusion of the blood of his majesty's subjects, and has involved many unfortunate people in great calamity, we hereby forbid any outward

demonstrations of public joy; admonishing all true friends to their king and country, to return thanks to God for his goodness towards them, as we hereby do for ourselves by this our public proclamation. And we hereby again repeat what we have so often declared, that no interruption shall be given to public worship, but, on the contrary, all protection to those concerned in it: and if, notwithstanding hereof, any shall be found neglecting their duty in that particular, let the blame lie entirely at their own door, as we are resolved to inflict no penalty that may possibly look like persecution. Given at our palace of Holyrood-house, the 23rd day of September, 1745 years, and of his majesty's reign the forty-fifth year. By his highness's command.—J. MURRAY."

Such proclamations, however, were far from restoring confidence, and none of the ministers returned to their churches; though Mr. Hog, morning lecturer in the Tron church, continued to preach as formerly, and two others, Mr. Macvicar and Mr. Pitcairn, who also continued to preach in the West-kirk, had the courage to pray for king George. Other proclamations of about the same date promised protection to the inhabitants of all classes, who nevertheless appear to have suffered considerably from the predatory disposition of the highlanders, who, on pretence of searching for arms, committed many irregularities. As they carried their arms always about with them, and there was little hope of obtaining redress, people were afraid to oppose their demands. These were, however, in general not very excessive; for we are told that they would sometimes present their piece, and, upon being asked what they wanted, answer, "a penny;" with which they were for the time satisfied. Indeed, all the pretender's attempts to gain public confidence in Edinburgh, met with the same fate. On the 24th of September he proclaimed his pardon for those who had hitherto opposed him:—*"Charles, Prince of Wales, &c., Regent of Scotland, England, France, and Ireland, and the dominions thereunto belonging.*—Whereas we are informed, that several of our subjects, as well clergy as laity, in our ancient city of Edinburgh and neighbourhood thereof, did associate and take up arms against us; and that many of them fled from their houses, lest they had been prosecuted and made examples of, as their crimes demerited. And whereas we have nothing at heart but the good of all our

subjects, how much soever deluded by the prejudice of education or mistaken interest; and being always disposed, as a true father of our country, to display that mercy and tenderness natural to us, and the distinguishing characteristic of our family. We do therefore, in his majesty's name, hereby grant a full pardon to the persons associate, as aforesaid, for all treasons, rebellions, and offences whatsoever, committed by them at any time before the publication of these presents, whether against our royal grandfather, of blessed memory, his present majesty, or ourselves, dispensing with the generality hereof, and admitting the same to be as effectual to all intents and purposes, as if all their names had been herein set down. Provided always, that the persons aforesaid present themselves within twenty days after the publication hereof, to our trusty and beloved counsellor, John Murray of Broughtoun, Esq., our secretary, or any one of our council appointed for that purpose, at our palace of Holyrood-house, or where else we shall be for the time, with a declaration that they shall live for the future as quiet and peaceable subjects to us and our government, otherwise these presents to be of no effect to them. Given at our palace of Holyrood-house, the 24th day of September, and of his majesty's reign the forty-fifth year, 1745.—CHARLES, P. R. By his highness's command.—J. MURRAY.” A few of the volunteers did accordingly present themselves; others absconded before the expiration of the twenty days, and a still greater number took no notice of the proclamation, but continued peaceably about their business.

Charles was not much more successful in his appeals to the people of the lowlands in general, for, though under the influence of fear they yielded to his exactions, they offered him very little voluntary aid. He told them, in a proclamation, dated on the 8th of October, that “being informed, that many of our father's loyal subjects, disabled from joining us by advanced years, broken constitutions, and otherwise, are heartily disposed to assist us with money, horses, and arms; but have signified that they were at a loss to know to whom they should apply for these purposes; we therefore hereby declare, that the persons in the circumstances aforesaid, sending to our secretary at the palace of Holyrood-house, or where we shall happen to be for the time, money, arms, and horses, will be considered by us as a

very seasonable and acceptable mark of their loyalty.” Another proclamation, dated on the following day, forbade all peers and commoners to pay obedience to the order of king George's summoning them to meet in parliament on the 17th, and absolving all people from obedience to any order or resolution that might be published in the name of either or both houses, in case they should meet in consequence of said summons. On the 10th, Charles addressed the following manifesto to “his subjects”:—

“*Charles, Prince of Wales, &c., Regent of Scotland, England, France, and Ireland, and the dominions thereunto belonging: unto all his Majesty's subjects of what degree soever, greeting.*—CHARLES, P. R.—As soon as we, conducted by the providence of God, arrived in Scotland, and were joined by a handful of our royal father's faithful subjects, our first care was, to make public his most gracious declaration; and, in consequence of the large powers by him vested in us, in quality of regent, we also emitted our own manifesto, explaining and enlarging the promises formerly made, according as we came to be better acquainted with the inclinations of the people of Scotland. Now that it has pleased God so far to smile on our undertaking as to make us master of the ancient kingdom of Scotland, we judge it proper, in this public manner, to make manifest what ought to fill the hearts of all his majesty's subjects, of what nation or province soever, with comfort and satisfaction.

“We therefore hereby, in his majesty's name, declare, that his sole intention is to reinstate all his subjects in the full enjoyment of their religion, laws, and liberties; and that our present attempt is not undertaken in order to enslave a free people, but to redress and remove the encroachments made upon them; not to impose upon any a religion which they dislike, but to secure them all the enjoyment of those which are respectively at present established among them, either in England, Scotland, or Ireland; and if it shall be deemed proper, that any further security be given to the established church or clergy, we hereby promise, in his name, that he shall pass any law that his parliament shall judge necessary for that purpose.

“In consequence of the rectitude of our royal father's intentions, we must further declare his sentiments with regard to the national debt: that it has been contracted

under an unlawful government, nobody can disown, no more than it is now a most heavy load upon the nation; yet, in regard that it is for the greatest part due to those very subjects whom he promises to protect, cherish, and defend, he is resolved to take the advice of his parliament concerning it, in which he thinks he acts the part of a just prince, who makes the good of his people the sole rule of his actions.

"Furthermore, we here, in his name, declare, that the same rule laid down for the funds, shall be followed with respect to every law or act of parliament since the revolution; and in so far as, in a free and legal parliament, they shall be approved, he will confirm them. With respect to the pretended union of the two nations, the king cannot possibly ratify it, since he has had repeated remonstrances against it from each kingdom; and, since it is incontestible, that the principal point then in view, was the exclusion of the royal family from their undoubted right to the crown, for which purpose the grossest corruptions were openly used to bring it about: but whatever may be hereafter devised for the joint benefit of both nations, the king will most readily comply with the request of his parliaments to establish.

"And now that we have, in his majesty's name, given you the most ample security for your religion, properties, and laws, that the power of a British sovereign can grant; we hereby for ourselves, as heir-apparent to the crown, ratify and confirm the same in our own name, before Almighty God, upon the faith of a christian, and the honour of a prince.

"Let me now expostulate this weighty matter with you, my father's subjects, and let me not omit this first public opportunity of awakening your understandings, and of dispelling that cloud which the assiduous pens of ill-designing men have all along, but chiefly now, been endeavouring to cast on the truth. Do not the pulpits and congregations of the clergy, as well as your weekly papers, ring with the dreadful threats of popery, slavery, tyranny, and arbitrary power, which are now ready to be imposed upon you by the formidable powers of France and Spain? Is not my royal father represented as a bloodthirsty tyrant, breathing out nothing but destruction to all those who will not immediately embrace an odious religion? Or, have I myself been better used? But listen only to the naked truth.

"I, with my own money, hired a small

vessel, ill-provided with money, arms, or friends; I arrived in Scotland attended by seven persons; I publish the king my father's declarations, and proclaim his title, with pardon in one hand, and in the other liberty of conscience; and the most solemn promises to grant whatever a free parliament shall propose for the happiness of a people. I have, I confess, the greatest reason to adore the goodness of Almighty God, who has, in so remarkable a manner, protected me and my small army through the many dangers to which we were first exposed, and who has led me in the way to victory, and to the capital of this ancient kingdom, amidst the acclamations of the king my father's subjects: why then is so much pains taken to spirit up the minds of the people against this my undertaking?

"The reason is obvious; it is, lest the real sense of the nation's present sufferings should blot out the remembrance of past misfortunes, and of the outcries formerly raised against the royal family. Whatever miscarriages might have given occasion to them, they have been more than atoned for since; and the nation has now an opportunity of being secured against the like for the future.

"That my family has suffered exile during these fifty-seven years everybody knows. Has the nation, during that period of time, been the more happy and flourishing for it? Have you found reason to love and cherish your governors as the fathers of the people of Great Britain and Ireland? Has a family, upon whom a faction unlawfully bestowed the diadem of a rightful prince, retained a due sense of so great a trust and favour? Have you found more humanity and condescension in those who were not born to a crown than in my royal forefathers? Have their ears been open to the cries of the people? Have they, or do they consider only the interest of these nations? Have you reaped any other benefit from them than an immense load of debts? If I am answered in the affirmative, why has their government been so often railed at in all your public assemblies? Why has the nation been so long crying out in vain for redress against the abuse of parliaments, upon account of their long duration, the multitude of placemen, which occasions their venality, the introduction of penal laws, and, in general, against the miserable situation of the kingdom at home and abroad? All these,

and many more inconveniences, must now be removed, unless the people of Great Britain be already so far corrupted, that they will not accept of freedom when offered to them; seeing the king, on his restoration, will refuse nothing that a free parliament can ask for the security of the religion, laws, and liberty of his people.

"The fears of the nation from the powers of France and Spain appear still more vain and groundless; my expedition was undertaken unsupported by either. But indeed when I see a foreign force brought by my enemies against me, and when I hear of Dutch, Danes, Hessians, and Swiss, the elector of Hanover's allies, being called over to protect his government against the king's subjects, is it not high time for the king, my father, to accept also of the assistance of those who are able, and who have engaged to support him? But will the world, or any one man of sense in it, infer from thence, that he inclines to be a tributary prince rather than an independent monarch? Who has the better chance to be independent of foreign powers? He who, with the aid of his own subjects, can wrest the government out of the hands of an intruder; or he who cannot, without assistance from abroad, support his government, though established by all the civil power, and secured by a strong military force against the undisciplined part of those he has ruled over so many years? Let him, if he pleases, try the experiment; let him send off his foreign hirelings, and put the whole upon the issue of a battle; I will trust only to the king my father's subjects, who were or shall be engaged in mine and their country's cause; but, notwithstanding all the opposition he can make, I still trust in the justice of my cause, the valour of my troops, and the assistance of the Almighty, to bring my enterprise to a glorious issue.

"It is now time to conclude, and I shall do it with this reflection. Civil wars are ever attended with rancour and ill-will, which party rage never fails to produce in the minds of those whom different interests, principles, or views, set in opposition to one another; I therefore earnestly require it of my friends to give as little loose as possible to such passions; this will prove the most effectual means to prevent the same in the enemies of our royal cause. And this my declaration will vindicate to all posterity the nobleness of my undertaking, and the generosity of my intentions.

"Given at our palace of Holyrood-house, the 10th day of October, 1745.—C. P. R. By his highness's command.—J. MURRAY."

A declaration of a similar character was drawn up for England. At the same time the chiefs of the highland army published the following address and appeal to their countrymen:—

"The Declaration and Admonitory Letter of such of the Nobility, Gentry, and free-born Subjects of his Majesty, as under the auspicious conduct of his Royal Highness Charles, Prince of Wales, Steward of Scotland, &c., have taken up arms in support of the cause of their King and Country: unto those who have not as yet declared their approbation of this enterprise, and unto such as have or may hereafter appear in arms against it.

"Countrymen and fellow-subjects,—It is with abundance of regret, and not without indignation, that we daily hear and see this our undertaking, which in glory and in disinterestedness may vie with any to be met with, either in ancient or modern history, traduced, misrepresented, and reviled in those fulsome addresses and associations made to and in favour of the elector of Hanover by those very bishops of the church of England, who, for so many years, have contributed their utmost endeavours to abet and support every measure the most unpopular, pernicious, and hurtful, that the worst of ministers, be he of what party he would, could ever devise for the undoing of these nations. Is it from such patterns of virtue and piety that the nation now must take the alarm? Are we by these old bugbears of popery, slavery, and tyranny, for ever to be hindered from pursuing our only true interest? Or, is the groundless fear of an imaginary evil to prevent our shaking off the heavy yoke we daily feel? What further security, in the name of God, can a people desire for the enjoyment of their ecclesiastical rights? Have not both the king and prince-regent sworn, in the most solemn manner, to maintain the protestant religion throughout his majesty's dominions? Nay more, have they not promised to pass any law which shall be thought necessary for the further security of it? Are we not protestants who now address you? And is it not by the strength of a protestant army that he must mount the throne? Can any man, or number of men, persuade you, that we, who are your brethren, born in the same island, and who have the same in-

terest, do not love ourselves, our religion, laws, and liberties as well as you do? What further security can the nature of the thing admit of? You have your prince's promises, and here you have laid before you the sentiments of his army, who having thankfully accepted of them, are determined and resolved to set their country at liberty by establishing that glorious plan which has been freely offered to us by the only rightful prince of the British nations, and this must be done before we sheathe our swords. Our enemies have represented us as men of low birth and of desperate fortunes. We who are now in arms, are, for the greatest part, of the most ancient families of this island, whose forefathers asserted the liberties of their country long, long before the names of many of our declaimers were ever heard of. Our blood is good, and that our actions shall make appear. If our fortunes be not great, our virtue has kept them low; and desperate we may be truly called, for we are determined to conquer or die. The justice, therefore, of the cause we now appear for, the interest of the nation which we support and pursue, and the glorious character of our royal leader, may each by itself, or all together, abundantly convince the nation, that now at last there appears a happy and unforeseen opportunity of acquiring all those blessings which a distressed nation has been so long wishing for in vain. This golden opportunity we have laid hold of; and in justice to ourselves and fellow-subjects, are obliged thus to apprise them of the uprightness of our intentions, in carrying into execution a scheme calculated and adapted to those principles of liberty which the true lovers of their country have been polishing and refining for these many years past.

"Perhaps you may find fault that you were not apprised of this undertaking. No more were we. God has conducted, the prince of Wales has executed; and we are thereby in possession of Scotland, and victorious over one of the elector's armies, which nothing could have saved from total destruction, but the authority and mercy of a young conqueror, possessed of all the shining virtues which can adorn a throne, and who may challenge the keenest enemy of his royal family to impute to him a vice which can blacken the character of a prince. Compare his clemency towards all the prisoners and wounded at the battle of Glads-muir, with the executions, imprisonments,

and banishments exercised by the German family after their success at Preston in the year 1715, and your affections will tell you who is the true father of the people. We have hitherto only spoke to your interests; when his royal highness comes himself amongst you, let his appearance, his moderation, his affability, his tenderness and affection for those he can truly call his countrymen, speak to your passions; then you, who, at the instigation of your enemies, are now arming for the defence, as you imagine, of your respective communities, will be able to judge from whom you will have the best reason to expect protection. Thus far we can take upon us to promise in his highness's name, that such as shall make no resistance to our troops, though before our arrival they may have been levying war against us, may nevertheless depend upon the most ample security for their persons and estates, provided, by a timely surrender of their arms, they put in our power to protect them against the fury of the army: and how foolish will it be, after this assurance, for any city, corporation, or country, to attempt to make head against the combined force of a whole nation, collected in a numerous army, and flushed with success? If any misfortune therefore ensue from a disregard of this admonition, we of his royal highness's army declare ourselves free of all blame therein. It is time for you now, O countrymen, to lay aside all animosities, all distinctions of families or names, and to confine your thoughts only to the interest of these kingdoms, connecting with them as you go along the sentiments you had a few years ago. What transport of joy would the bulk of the British nation have felt upon a certain remarkable and never-to-be-forgotten period in our political history—that great change of ministry which happened not long ago, when the cries of a distressed people, supported by the interest and influence of powerful, though designing men, accomplished the ruin of a mighty minister! How great would have been your joy, had you then had from the elector of Hanover such a declaration as that emitted the 10th of this month by his royal highness, the heir and representative of our natural and only rightful sovereign! Is it possible to conceive the universal satisfaction which such a declaration would have occasioned, unless we judge of it by our fatal disappointment? We leave it to yourselves to

make the application. As it is not our intention here to set forth the domestic grievances of the nation, nor the scandalous preference shown upon all occasions to a pitiful foreign concern; for as we address ourselves chiefly to the friends of liberty and the constitution, we suppose you all abundantly instructed in them: nor would it serve but to lengthen this letter, to enumerate the many promises contained in the king's and prince's declarations and manifestoes to his subjects upon this occasion: we have abundantly explained our own motives for now appearing in arms, and would willingly use a little serious expostulation with you, gentlemen, who intend to oppose us. What, then, in the name of God, do you propose to yourselves? Is it also the interest of Great Britain and Ireland? Or, is it the support of the elector of Hanover's family in the succession to the crown of these realms? If your armaments proceed from the first of these motives, tell us what a prince can do more to make you a free and a happy people? What security can you have more than his word, and his army's guarantee, until the nation shall have time abundantly to secure themselves by parliament? If you be satisfied with the promises made you and the security of the performance, do you disapprove of this method of bringing about the execution by force of arms? If you do, be so good as suggest another equally efficacious. That by parliament, indeed, would have been universally the most acceptable; but we cannot be so infatuated as to remain in eternal bondage, unless a parliament, composed of hirelings, should set us at liberty; nor have we any hopes, that the elector will strip himself of that peculiar influence, by which alone he has carried, over the bellies of the nation, every destructive measure. On the other hand, if the dispute is to be, whether the Stuart or Hanoverian family shall reign over Great Britain, without reference to the interest of the nation, we need use no other argument than the sword with such as shall oppose us upon those principles. To conclude, we desire to lay this important question before you in a new light. Suppose—for it is only a supposition—that this dreadful and unnatural rebellion, as you are taught to call it, should be extinguished and quashed, and every man concerned in it executed on a scaffold: your joy, no doubt, would be very great upon so glorious an event; your addresses would then be turned

into thanksgivings; your parliament would meet and clothe your beloved sovereign with new powers; your standing army, which has hitherto been looked upon as the bane of the constitution, would then be consecrated as your deliverers; and the reverend bishops of the church of England, would be hailed from the most distant corners of the island by the glorious appellation of patriots, and protectors of British liberty. O happy, thrice happy nation, who have such an army, and such a bench of bishops, ready upon this occasion to rescue them from popery, from slavery, tyranny, and arbitrary power! When indeed the first transport of your joy would be over (for you are not to expect that these halcyon days are ever to remain), you might perhaps find to your fatal experience, that the constitution of your country was not in the least improved; and upon the return of the unavoidable consequences of those evils all along complained of, and which now you have so fair an opportunity of having redressed, you would at last be sensible, that we were those, who, in truth, deserved the appellation of deliverers, patriots, and protectors of the British liberty. But this last part of our letter is addressed only to such as we expect to meet with in a field of battle, and we are hopeful, that those will prove but an inconsiderable part of the nations of Great Britain and Ireland; and that you our countrymen and fellow-subjects, upon being advised and informed, as you now have been, of the whole plan of this glorious expedition, will cheerfully join issue with us, and share in the glory of restoring our king, and in setting our country free, which, by the strength of our arm, the assistance of our allies, and the blessing of Almighty God, we shortly expect to see accomplished."

Charles still remained in Edinburgh, and, though every moment of inactivity was a loss to his cause, it was either recommended to him or forced upon him by a variety of circumstances. He was anxious to obtain possession of the castle before he removed from the capital, and general Guest, a man of decided courage and ability, did all he could to amuse him and keep him there as long as possible. The fortress was plentifully supplied with provisions and everything necessary for a much larger garrison, but Guest took care to let it be thought that he was in the greatest want. With this object in view, immediately after the battle of

Preston-pans, he wrote repeated letters to the duke of Newcastle, which he took care should fall into the hands of the rebels, in which he represented the castle of Edinburgh as being so ill provided with provisions, that if not relieved immediately, he should be obliged to surrender; and he recommended that the troops to be sent to his assistance should be dispatched by sea to Berwick or Newcastle, as the quickest conveyance. He had taken the precaution to inform the secretary of state, by a surer conveyance, of the real state of the garrison and of the deception he intended to practise on the highlanders, for fear any of the letters should escape them and reach their nominal destination. Deceived by these letters, the prince determined on blockading the castle, and on the 29th of September orders were given to the highlanders to prevent any further communication between the castle and the town. At night, Guest wrote to the provost, intimating that, unless the communication between the town and the castle were kept open, he should be obliged to use his cannon to dislodge the highlanders who were besieging him. The provost obtained a respite for that night, and next morning he sent six deputies to the prince, with general Guest's letter. Although no one under the circumstances could have been expected to act otherwise than Guest had done, Charles pretended the utmost astonishment at what he called his "barbarity," and sent the following reply in writing:—"Gentlemen,—I am equally surprised and concerned at the barbarity of the orders that have been signified to you from the castle, and which those who command in it say they have received from the elector of Hanover, at the same time that they own they have six weeks' provisions left. If he looked upon you as his subjects, he would never exact from you what he knows it is not in your power to do. And should we, out of compassion to you, comply with this extravagant demand of his, he might as well summon us to quit the town, and abandon those advantages which providence has granted us, by crowning the valour of our troops with such signal success. I shall be heartily sorry for any mischief that may befall the city, and shall make it my peculiar care to indemnify you in the most ample manner. In the meantime, I shall make full reprisals upon the estates of those who are now in the castle, and even upon all who are known

to be open abettors of the German government, if I am forced to it by the continuance of such inhumanities.—CHARLES, P.R. Holyrood-house, Sept. 30th, 1745." The inhabitants of Edinburgh were in great alarm; several meetings were held; and deputies were sent oftener than once to the castle. At last a respite was obtained for a day, and afterwards for six days, in case no attack was made upon the castle, so that the city might have time to get a mitigation of the order from London, for which purpose an express was sent off immediately.

In the afternoon of the 1st of October, the highlanders, who were not much acquainted with the formalities of war, fired upon some people that were carrying provisions into the castle; upon which Guest, considering this to be a breach of the truce, opened a fire from the walls with cannon and small arms, which damaged some houses, and wounded one of the highland sentinels, and a servant maid. Next day the prince, after posting additional troops on several points, published the following proclamation, prohibiting all further correspondence with the castle on pain of death:—"CHARLES, P. R.—Being resolved that no communication shall be open between the castle and town of Edinburgh, during our residence in this capital; and to prevent the bad effects of reciprocal firing from thence, and from our troops, whereby the inhabitants and houses of our city may innocently suffer: we hereby make public intimation, that none shall dare, without a special pass signed by our secretary, upon pain of death, either to resort to, or come from, the said castle, upon any pretence whatsoever, with certification, that any person convicted of having had any such intercourse, after this our proclamation, shall be immediately carried to execution. Given at our palace of Holyrood-house, the 2nd day of October, 1745 years. By his highness's command.—J. MURRAY." Hostilities were now openly carried on between the garrison and the highlanders, and the shots intended for the latter killed and wounded several of the townsmen. On the 3rd, a guard was placed by the prince at the West-kirk, and another at Livingston's-yards, in order more closely to block up the castle; but the same day, one of the soldiers of the garrison slipped out, set fire to a house that defended the guard at the place last named, shot one of them dead, and returned safe. A little after, a party sallied out, killed some more

of the guard, took an officer and a few men prisoners, and put the rest to flight. On the 4th at noon, notice was sent to the inhabitants to remove from the north parts of James's-court, and places adjacent, and Guest informed the magistrates that, although it was his wish to do as little harm as possible to the citizens, he must demolish the houses nearest the castle, as they gave shelter to the besiegers. A few hours after, a terrible cannonading began, and when it became dark, a party sallied out from the castle, and set fire to a founding-house and another house which was deserted by the inhabitants, who were thrown into great consternation. Meantime a party of the garrison threw up a trench between the castle and the upper end of the High-street; and to prevent interruption, scoured the streets with cartridge-shot from some field-pieces placed on the castle-hill, by which a merchant's bookkeeper and another person were killed, and several other persons wounded. Before their return, the soldiers pillaged some of the houses that had been deserted.

The firing continued next day, and distressed the inhabitants exceedingly. Bullets did execution at the head of the Flesh-market-close, so that nobody was safe in the street, and some houses were shattered. Those who lived near to the castle, removed, and carried out the aged and infirm at the imminent hazard of their lives. Great numbers who lived in places that were in no danger, likewise took fright and ran out of the town, not knowing whither; and several of the inhabitants sent off their valuable effects, many of which were lost in the confusion. It appears, also, that immediately the firing began, prince Charles left Holyrood-house, and sought safer quarters in the camp at Duddingston. On the night of the 5th of October, he pretended to yield to the clamour of the citizens, and signed the following proclamation, which was published next day:—*“Charles, Prince of Wales, &c., Regent of Scotland, England, France, and Ireland, and the dominions thereunto belonging.*—It is with the greatest regret that we are hourly informed of the many murders which are committed upon the innocent inhabitants of this city, by the inhuman commanders and garrison of the castle of Edinburgh, so contrary to all the laws of war, the truce granted to the city, and even exceeding the orders given upon this occasion. As we have threatened, we

might justly proceed to use the powers which God has put in our hands, to chastise those who are instrumental in the ruin of this capital, by reprisals upon the estates and fortunes of those who are against us; but we think it noways derogatory to the glory of a prince, to suspend punishment, or alter a resolution, when thereby the lives of innocent men can be saved. In consequence of this sentiment, our humanity has yielded to the barbarity of our common enemy; the blockade of the castle is hereby taken off, and the punishment threatened suspended. Given at our palace of Holyrood-house, the 5th day of October, 1745 years.—CHARLES, P. R.”

After this, people walked in the streets with less danger, though it was still not safe to be seen near any highlanders in sight of the castle. Four or five of the townspeople were killed, and a good many wounded, by shot from the castle while it was blockaded; while the highlanders, who kept under covert, appear to have suffered little.

Charles's favourite plan had from the first been to march immediately into England, where he nourished the most confident expectation of a general rising of the jacobites in his favour, an illusion which was not dispelled even by the small sympathy he had hitherto met with in the lowlands of Scotland. It appears evident that the prince was better adapted to shine in a ball-room than in a camp, and the gaiety of his court and the frequency of his evening parties, made a great impression upon the ladies of Edinburgh, among whom he is said to have gained numerous partisans; but very few of the lowland gentlemen ranged themselves under his standard. Still he waited from day to day in expectation, first, of reinforcements from France, and, secondly, of the return of the highlanders who had gone home to secure their plunder after the battle of Preston-pans, and of the arrival of others of the clans. In his last expectation he was not disappointed, for his victory, which was greatly exaggerated in the reports spread abroad by the jacobites, had produced an extraordinary effect in the north, where the jacobite clans who had hitherto held back, no longer hesitated in declaring themselves, while most of the doubtful clans were unable to withstand the temptation placed before them by the return of the highlanders with their plunder. The same effect was produced to a considerable degree through the mountainous dis-

tricts of the south which bordered on the highlands, properly so called; and on the 3rd of October the lord Ogilvie, eldest son of the earl of Airlie, arrived at Charles's camp with a good regiment of six hundred men. He was followed next day by Gordon of Glenbucket, with a regiment of four hundred men; and on the 9th, a man of far greater worth, from the respectability of his character, lord Pitsligo, brought in six companies of infantry, and a body of cavalry formed of gentlemen and their followers from the counties of Aberdeen and Banff.

Of all the highland clans, prince Charles and his friends were most anxious to gain over the Macleods and the Macdonalds of the islands, and three days after the battle of Preston-pans, a trusty messenger was dispatched to these powerful chiefs, who was to assure them that the prince did not impute their previous delay to want of loyalty, but that, if they would come forward, he was still ready to receive them as the most favoured of his followers. When his arguments proved ineffectual, Charles's messenger left Skye and proceeded to Castle-Downie, the chief seat of lord Lovat, with whom he held a long conference. Lovat had been wonderfully elated with the news of the battle, which he declared was a victory not to be paralleled in history; he expressed his belief, that, "as sure as God was in heaven, his right master would prevail;" and declared that, in spite of his age and infirmities, he hoped still to lead to his standard such a body of men as would be worthy of a duchy. The chief of the Macleods (Macleod of Macleod), seems also to have been staggered by the news of the prince's victory, and visiting lord Lovat after the departure of the messenger, that wily and unprincipled chief inveigled him into a promise to support the prince. With his assistance, Lovat calculated that he should be able to assemble an army of five thousand men, and had sent a boasting account of his prospects to the young pretender's camp. But when Macleod returned to Skye, the better counsels of his friend sir Alexander Macdonald prevailed, and, a few days after, he wrote to lord Lovat to inform him that, after fully deliberating with sir Alexander, they had resolved to stay at home and not trouble the government. Lovat was obliged to send a messenger to Edinburgh with a letter informing the prince of his disappointment, which he assured him was so great that, on reading Macleod's

letter, "he had almost fainted, and his body swelled with grief and vexation." "The base and treacherous behaviour of our cousin the laird of Macleod," he said in this letter, "has almost cost me my life already. The night before he took his journey to the isle of Skye from this house, sitting by me, he looked up seriously, and swore to me that, as he should answer to God, and wished that God might never have mercy on him, and that he might never enter the kingdom of heaven, but that his bones might rot on earth, be burnt, and his ashes blown up in the air, if he did not come with all speed imaginable, and with all his men that were already prepared." Lovat now excused his personal attendance on account of his health, but promised to show his attachment by sending his clan under the command of his eldest son. He had already allowed his son-in-law, Macpherson of Clunie, to raise recruits for the pretender among the Frasers, and he now ordered his son, whom he had always treated in the most arbitrary and tyrannical manner, to raise the clan and proceed south.

But while writing thus to the prince, Lovat used very different language to Duncan Forbes, with whom he still kept up a correspondence, and to whom he professed constant loyalty, complained of the undutifulness of his son and his clan, who were breaking their allegiance to king George to follow the false prince, and of his age and infirmities, which prevented him from exercising his personal authority to stop them. He complained especially of a stitch in his side, with shortness of breath, and horrible tortures which could not be alleviated even with warm brandy. "My stitch," he said, "will soon make an end of me; and then I'll be no further troublesome to my dear lord president, or to any other of my friends; and the mad youth will be then lord Lovat, as well as colonel of his rebellious regiment. I do assure you, my dear lord, that I will not regret dying at this time, that I may not see the evils that threaten my family, which was always regarded as an honest brave family in this country. I am very easy about my obstreperous and unnatural son, and the mad people that feed him in his false ambition; but the thoughts and fears of seeing the honest family of Lovat demolished and extinguished in our days, pierces my heart and soul with the most melancholy thoughts, which would be enough to kill me, though

I had no stitch nor pains in my body." "As to my clan," he added, "I wish with all my heart that the villains and rascals of them were seized and severely chastised and punished; but I believe they are marched south, in the regiment of that unhappy youth, to screen themselves from justice; and I would be very glad that the fifth man of them were hanged. But, my dear lord, as to the honest gentlemen and tenants that have stayed at home for love of me, and for love of peace and quietness, it would be the hardest case in the world that those honest people should be molested." It is not probable that Forbes was in the slightest degree blinded by these protestations; but aware of the comparatively helpless state in which the English government had left their friends in the north, he preferred for a time holding him back partially by persuasions and warnings to driving him into the rebellion. Lord Loudon, who showed himself one of the most loyal chiefs in the north, had kept a regiment together, and was daily increasing the number of his men; so that he and the lord president Forbes, with some of their friends, held the jacobite or wavering clans in their neighbourhood in check, and retained some of them in their obedience. Nor did Forbes himself escape without personal danger, for at this very time a treacherous attempt was made to surprise him in Culloden-house by a party of Lovat's clan under Fraser of Foyers. But Forbes was too much on the alert, and his house too well fortified and defended, to be taken by surprise. Having attacked the place in vain, the highlanders carried off his sheep and cattle, and robbed his gardener and weaver. It was accidentally discovered that the assailants were Frasers, and Forbes complained of it to Lovat, without imputing any share of the blame to him. The chief of the Frasers professed great indignation that so detestable an affront should have been put upon him by any of his name; and solemnly swore, "that if any villain or rascal of my country durst presume to hurt or disturb any of your lordship's tenants, I would go personally, though carried in a litter, and see them seized and hanged."

The prince himself appeared, with the old infatuation of his family, to have been bent only upon showing by his personal actions, the emptiness of his professions of toleration and liberality. He had now formed a regular privy council, but in the choice of his coun-

cillors he showed a prepossession in favour of the extreme jacobites, those who held the doctrines of divine right, and the absolute power of princes; and it was observed by those who served on the council, that he not only never took its advice, but that he showed an open and permanent dislike to any member of it who differed in opinion from himself. This council consisted of the duke of Perth and lord George Murray, O'Sullivan (the Irish quartermaster-general), the prince's secretary Murray, sir Thomas Sheridan, the lords Elcho, Ogilvie, Nairn, Pittligo, and Lewis Gordon, with Lochiel and the greater highland chiefs. As yet, however, he had done nothing towards establishing any regular form of government, and while he was passing his time in the capital in giving dinners and balls, the forces of his enemies were increasing much more rapidly than his own. The whig clans were beginning to show more activity in the north, and this alone hindered many of the jacobite clans from declaring themselves and leaving their homes thus exposed to plunder and outrage. In the south the young pretender's proclamations and promises produced no effect, and the disinclination to his cause was so great, that in one or two places it was displayed in imprudent demonstrations. A remarkable instance of this feeling occurred at Perth, where on the 30th of October, which was the birthday of king George, about one hundred maltmen and other tradesmen's servants, possessed themselves about mid-day of the church and steeple, and rang the bells. Perth had been left by prince Charles in the guard of about a dozen men, mostly workmen in the town, who were hired for that purpose, under Mr. Oliphant of Gask, who was appointed deputy-governor by the prince Charles. Oliphant required those who rung the bells to desist, but his message was treated with contempt, and they continued ringing. In the afternoon, Mr. Oliphant, with his small guard, and three or four gentlemen, posted themselves in the council-house, in order to secure about four hundred small arms, ammunition, &c., belonging to the highland army, which were lodged there and in the tollbooth adjoining. At night seven north-country gentlemen of the jacobite party, with their servants, came to town, and immediately joined their friends in the council-house. Meanwhile the mob made a bonfire or two on the streets, and some loyal people having illuminated their win-

down, the mob ordered all the inhabitants to follow their example, broke the windows of those who did not illuminate, and proceeded to other outrages. About nine o'clock at night, a small party from the council-house, marching up the street to disperse the mob, fired upon and wounded three of them; upon which the mob rushed in upon the party, and disarmed and wounded most of them. The mob now placed guards at all the gates of the town, took possession of the main guard, and rang the fire-bell repeatedly, in order to raise the people, by which they drew together about two hundred, but none of any note. They next ran up and down the streets, and entered some houses, insulting those whom they thought to be jacobites. Before they rang the fire-bell the second time, they sent a message in writing, signed by initials, to Mr. Oliphant, requiring him to withdraw instantly, and yield up the arms, ammunition, &c., to them. This was refused; and thereupon hostilities were begun about two o'clock in the morning, and continued till about five. The mob firing at the council-house from close-heads, from behind stairs, and from windows, so that they in the council-house could not show themselves without danger. An Irish captain in the French service was killed in the council-house, and three or four wounded. Of the mob four were wounded, of whom one, a weaver, died in two or three days. About five o'clock in the morning the mob dispersed, and next day about sixty of lord Nairn's men were brought into the town, and they were followed soon after by about a hundred and thirty highlanders.

Immediately after this occurrence (on the 1st of November), the highland army, which had broken up its camp at Duddingston in the middle of October, began its march from Edinburgh. The young pretender had persisted from the first in declaring his resolution of marching into England, and various circumstances now decided him in carrying this design into effect. The highlanders who went to the mountains after the battle of Preston-pans had now returned to his standard, and with those who had joined him in the meantime, his force amounted to about six thousand men, of whom about five hundred were cavalry. There appeared no further hopes of immediate reinforcements, for lord Lovat had informed him of the refusal of the Macdonalds and Macleods of Skye to join him,

and their examples held back many of the other clans. On the other hand, Charles was gradually wasting his resources in Edinburgh; the means of supplying himself with money were rapidly failing him. On his first arrival at Edinburgh, he had extorted five thousand five hundred pounds from the city of Glasgow, and he had raised as much as he could in the shape of taxes and contributions from Edinburgh and the country around. He had written flaming accounts of his successes to his friends abroad, with pressing applications for assistance, and as the darker weather approached, a few French ships contrived to elude the English cruisers and bring him some supplies. By one, which reached Montrose, he received about five thousand pounds in money. Others successfully put in to the same coast, bringing a small sum of money, five thousand stand of arms, and six field-pieces, with several French and Irish officers. With them came M. de Boyer, who brought a letter of congratulation from the king of France, and who was paraded among the highland chiefs with great ostentation under the gratuitous title of a French ambassador. He thus raised their courage with the belief that Louis was preparing to send a powerful army to his assistance. Still, with an army of nearly six thousand highlanders, besides other demands, the money thus obtained was very insufficient for his necessities, and he was reduced to such expedients as that of seizing the goods of smugglers which had been deposited in the custom-house at Leith, and selling them back for low prices to the smugglers from whom they had been taken.

When the prince's design of marching into England was laid before the council, it met with earnest opposition. Some urged that it would be folly to leave their present quarters before the arrival of the French army, of the sending of which they had Charles's positive assurance; and others were unwilling to leave their country until at least they had received from France a supply of money. There were some who were of opinion that the pretender ought to rest satisfied for the present with securing himself in his ancient kingdom, and that he should not attempt to obtain that of England. But Charles would listen to no reasons of this kind; he told them that he had letters from England assuring him of a general rising of the English jacobites the moment he reached the border, and told them he was confident of an invasion by

the French; and he thus persuaded a majority of the highland chiefs to decide against their own convictions on marching south. This resolution being taken, all the out-parties were called in at the end of October, and the army was then found to amount to not quite six thousand men, including about five hundred cavalry, with thirteen pieces of artillery of different sizes. The clan regiments, or real highlanders, amounted to about four thousand, all dressed in their own costume. Of the horse, two troops were guards, commanded by lords Elcho and Balmorino; another, light horse, or hussars, for scouring the country, commanded by lord Kilmarnock; and the rest, irregulars.

At six o'clock in the evening of the 30th of October, Charles left the palace of Holyrood to join his army, and he slept at Pinkie-house that night. On the 1st of November, the last of the highlanders departed from Edinburgh; and the same day the prince began his march, having given the command in Scotland during his absence to lord Strathallan, who was to remain at Perth with some jacobite gentlemen and a few French and Irish officers and their men, to look after the reinforcements expected from France, and to form an army of reserve with the other highlanders who might come in. Charles was joined at the last moment by Macpherson of Clunie and Menzies of Sheen, with about nine hundred more highlanders, but the master of Lovat had not yet brought in the Frasers. To deceive their enemies as to their intentions, the rebel army began their march in three different parties, one proceeding by Hawick and Moss-paul, another by Peebles and Moffat, and the third, which Charles himself accompanied, marching direct to Kelso, from whence he might have turned either to Carlisle or to Newcastle. This last body formed the rear; it marched from Dalkeith on the 3rd of November, the prince on foot, with his target over his shoulders.

The city of Edinburgh had been so effectually disarmed by the highlanders, that when on their departure the city trained bands took possession of the main guard, their only weapons were cudgels. The highlanders had left about two dozen of their wounded in the infirmary at Edinburgh; and they made one or two gentlemen of known attachment to the Hanoverian government promise to use their interest to protect them from any harsh treatment.

Bailie John Wilson, merchant, was taken as a hostage for the performance of this promise; but, after staying one night with the army at Dalkeith, he was permitted to return next day (November 2nd), upon some citizens signing a paper to the same purpose as the promise made by the gentlemen above mentioned. On the 4th, some parties came out of the castle and searched for arms; and entering the infirmary, where they found a few arms, they treated some of the highlanders rather roughly, and took some trifling articles from them. On receiving information of this proceeding, the gentlemen who had given this promise ordered a note to be made of the loss sustained by the highlanders, in order to their being reimbursed, and requested general Guest to give strict orders that no injury should be done them for the future, a request with which he readily complied. General Blakeney having received intelligence that the rear of the men who conducted the arms, &c., from Montrose, were to pass the Forth at Alloa on the 30th of October, dispatched captain Abercromby from Stirling, with some soldiers and countrymen, to attack them; which was done successfully. They wounded some of the men and took several prisoners, and captured some cows, horses, baggage, arms, money, and letters; all which were carried into Stirling castle that night.

Nor was this the only indication of the little favourable feeling the young pretender left behind him; for the opposite party began everywhere to raise their heads again. Glen-gyle, of the clan M'Gregor, who was appointed governor of Innersnaid, Down, &c., by prince Charles, having gone with a party into Argyshire, in order to raise men, was attacked by three companies of Loudon's regiment from Inverary, under the command of their lieutenant-colonel, John Campbell, and obliged to retreat, with the loss of two men killed and eighteen taken prisoners. Colonel Campbell had one man killed.

On the 5th of November the following proclamation was posted up in Edinburgh:—"GEORGE WADE, Esq., *Field-marshal of his Majesty's forces, one of his Majesty's most Honourable Privy Council, Lieutenant-general of the Ordnance, and Colonel of one of his Majesty's regiments of horse, &c.*—Whereas it has been represented to his majesty, that several of his subjects inhabiting the highlands of Scotland, and

others, have been seduced by menaces and threatenings of their chiefs and superiors, to take arms, and enter into a most unnatural rebellion, his majesty has authorised me to assure all such who shall return to their habitations on or before the 12th day of November next, and become faithful to his majesty and his government, that they shall be objects of his majesty's clemency: but if, after this his most gracious intention being signified, they continue in their rebellion, they will be proceeded against with rigour suitable to the nature of their crime. Given at the camp at Newcastle-upon-Tyne, this 30th day of October, 1745.—GEORGE WADE."

Public worship was resumed in several of the churches of Edinburgh on the 3rd of November, in all of them on the 10th, and continued regularly ever after. The synod of Lothian and Tweeddale, and the presbytery of Edinburgh, voted compliments to the commanders in the castle for their vigilance in the late time of danger. Addresses were likewise sent to the king by several ecclesiastical courts, and a letter was published from the presbytery of Dornoch to the earl of Sutherland, thanking his lordship for his early appearance in favour of the Hanoverian government.

The officers of state, who had retired to Berwick, now returned to Edinburgh, and resumed the functions of their several posts. The lord justice-clerk, and some others of the lords of justiciary, entered the city on the 12th of November, attended by the earl of Home and lord Belhaven, high-sheriffs of the counties of Berwick and East Lothian, Mr. Alexander Lind, sheriff-depute of Edinburghshire, and a great number of the gentlemen and others of these counties. At the cross they were met by the gentlemen lately in the administration, and other inhabitants of distinction. They alighted in the parliament-close, and were saluted by a round of the great guns from the castle, the music-bells playing the whole time of their procession, and the people making loud demonstrations of joy. Next day, lieutenant-general Handasyd arrived in town from Berwick, with Price's and Ligonier's regiments

of foot, and Hamilton's and Ligonier's (late Gardiner's) regiments of dragoons. All the foot and Ligonier's dragoons were quartered within the city, and Hamilton's dragoons in the Canongate. As there were at that time no magistrates, the constables were in a doubt how they could lawfully billet the troops upon the inhabitants, and therefore obtained a warrant for that purpose from the lord justice-clerk, the lords Minto, Elchies, and Drummore, as justices of the peace.

A meeting of the subscribers to the fund for raising the Edinburgh regiment was called on the 20th, and a new subscription was opened for completing the number of one thousand men, to be under the direction of the commander-in-chief of the forces in Scotland; and an advertisement was published, inviting the men formerly enlisted to re-enter, and promising a reasonable gratuity to such of them as had shown an alacrity to march out and fight the highlanders. All able-bodied men, whose loyalty could be attested, were likewise received, and were bound to serve only three months. Letters were sent to ministers and well-affected gentlemen to assist in persuading proper persons to enlist. On the 27th the freeholders of the county met at Edinburgh, and they ordered letters to be sent to the several ministers, requesting them to assist the heritors in preparing lists of able-bodied men within their parishes, to be forthwith levied, armed, and to march to the defence of the city if occasion required. The same spirit reigned in other places of the kingdom, especially in the west. Stirling raised four hundred men, and put them under the command of General Blakeney. The militia of Glasgow and neighbourhood, amounting to three thousand men, having received arms from Edinburgh, were reviewed by the earl of Home. About three hundred seceders appeared likewise in arms. Major-general Campbell came to Inverary, with money, arms, ammunition, &c., from England, in order to raise the people of Argyshire. After the return of the officers of state to Edinburgh, the banks resumed their business, and the castle-flag was no longer displayed.

CHAPTER IX.

THE MARCH INTO ENGLAND.

THE prince, with his division of the army, arrived at Kelso on the night of the 4th of November, and next day he sent a messenger to Wooler, in Northumberland, to order quarters to be provided for four thousand foot and a thousand horse, in order to deceive his opponents as to his design and numbers. Many highlanders deserted at Kelso, and the army had sustained some loss from this cause and from the seizure of stragglers by the country-people, during the whole of its march from Edinburgh. After reposing a day at Kelso, Charles left that town on the 6th, and turning off on the road to Hawick, arrived at Halyhaugh on the 7th. Next day he continued his march to the river Esk, which he crossed into Cumberland on the 9th, and passed that night at a place called Reddings, on the road to Carlisle. When the highlanders first set their feet on English ground, they drew their claymores, and flourishing them in the air, set up a great shout. Their exultation, however, was suddenly damped by a very trifling incident, for Lochiel happening in drawing his sword to cut his hand, his superstitious followers turned pale at the sight of his blood, which they looked upon as an omen of disaster. In the course of this and the following day, the other divisions of the army joined the prince, and the united body moved towards Carlisle.

General Wade had assembled a strong body of troops at Newcastle, with which he was preparing to move to Berwick, when he received information of the march of the rebels towards the border. Completely deceived by Charles's first demonstration, he expected him at Newcastle, and entirely overlooked the danger which threatened Carlisle, where the whole garrison consisted of a company of invalids commanded by colonel Durand. The main body of the militia of Cumberland and Westmoreland were, however, in the city, commanded by colonel Durand and the mayor, Mr. Pattison, who resolved to defend the place, the fortifications of which were in a very decayed condition. Early in the day, on the 9th of November, a party of highlanders, well mounted, showed themselves on Stanwix bank, close to the city, but after a few shots

from the castle they withdrew. In the afternoon, the mayor received a message requiring him to provide for the reception of the highland army in the city, to which he refused to listen, and the same night the whole of the prince's forces approached the place. Next day a strong party approached the walls, first bending towards the Irish gate, but afterwards marched round to the English gate, apparently with the design of reconnoitring the place, and they were fired at both from town and castle. At three o'clock in the afternoon, the mayor received the following message in writing, dated November 10th, two in the afternoon:—"Charles, Prince of Wales, Regent of the Kingdoms of England, Scotland, France, and Ireland, and the dominions thereunto belonging.—Being come to recover the king our father's just rights, for which we are arrived with all his authority, we are sorry to find that you should prepare to obstruct our passage. We, therefore, to avoid the effusion of English blood, hereby require you to open your gates, and let us enter, as we desire, in a peaceable manner; in which if you do, we shall take care to preserve you from any insult, and set an example to all England of the exactness with which we intend to fulfil the king our father's declarations and our own. But if you shall refuse us entrance, we are fully resolved to force it by such means as Providence has put into our hands; and then it will not perhaps be in our power to prevent the dreadful consequences which usually attend a town's being taken by assault. Consider seriously of this, and let me have your answer within the space of two hours; for we shall take any farther delay as a peremptory refusal, and take our measures accordingly. By his highness's command—Jo. MURRAY." No answer was returned to this message, for the mayor and colonel Durant, supposing that they should be relieved immediately by general Wade from Newcastle, had resolved to defend the city. It was expected that an attack would be made in the night, as the firing continued till midnight.

News, however, had been received by the prince that general Wade was approaching rapidly by way of Hexham, in consequence of

which, next day (the 11th), the highlanders marched to Brampton, in the forest of Inglewood, about seven miles from Carlisle, on the road to Newcastle, there to wait for general Wade. Upon the 12th, a part of the highlanders remained at Brampton, Warwick-bridge, and the villages between those two places. They had then sixteen field-pieces. Hearing nothing more of Wade, a strong division returned, on the 13th, to Carlisle.

At first, those to whom the defence of Carlisle was intrusted made a great show of resolution, but this did not last long. The trenches were opened before Carlisle in the evening of Wednesday, the 13th, and were conducted under the direction of Mr. Grant, the chief engineer of the rebels; and the highlanders laboured so assiduously, that on Friday morning the batteries were erected within forty fathoms of the walls, the cannon and small arms from both city and castle playing furiously at them all the time, but with little loss to the besiegers. The duke of Perth and the marquis of Tullibardine are said to have worked at the trenches in their shirts, though the weather was excessively cold. Within the city, the militia, in consequence either of fear or of want of courage, performed their duties unwillingly, and began to desert in such numbers, that some of the officers were without men. The consequence was, that on Friday, when the cannon began to play, and the scaling-ladders were brought forward for an assault, a white flag was hung out, and the city offered to surrender upon terms for themselves. On this an express was sent to the prince, who had remained at Brampton with a great part of the army, under pretence of covering the siege operations; but he answered, that he would not do things by halves, and that the city had no terms to expect unless the castle surrendered at the same time. When this answer was reported, colonel Durand, who had declared his intention of defending the castle till reduced to the last extremities, consented to surrender the castle also. The terms were, that the town and castle, with the artillery and magazines, should be delivered up; that the men should lay down their arms in the market-place, after which they were to have passes to go where they pleased, upon taking an oath not to carry arms against the house of Stuart for a twelvemonth; that the city of Carlisle should retain its privileges; that the citizens should deliver up all arms, &c., and also the horses of such as had appeared in arms against the

prince; and that all the deserters, particularly the soldiers enlisted with the highlanders after the late battle, who had fled to Carlisle, should be delivered up. On Friday afternoon the duke of Perth took possession of the place in the pretender's name, and next day they proclaimed him, in presence of the mayor and other magistrates, with the sword and mace carried before them. They found in the castle and city a great number of cannon, about fifteen colhorn mortars, a great quantity of cannonballs, grenades, small bombs, pickaxes, and other military stores; and among other arms, many of the broadswords taken at Preston in 1715, and about one hundred barrels of gunpowder.

General Wade marched from Newcastle on the 16th, and reached Hexham on the 17th at midnight. He was there informed of the surrender of Carlisle, and of the advance of the highlanders to Penrith, and as the roads were almost impassable, he retraced his steps to Newcastle.

The highland army had now been several days on English ground, but there was no kind of demonstration in the pretender's favour, and no news of assistance from any quarter. Many of the chiefs were opposed to proceeding any further, and wished to march back into Scotland, so that there was much division and warm disputes in Charles's council. Matters were not improved by a violent quarrel which had arisen during the short siege of Carlisle, between the two commanders, the duke of Perth and lord George Murray, which led to the resignation of the latter. A great mass of the highland army, however, consisted of protestants, who disliked the earl of Perth as a papist, and several officers signed a petition to the prince, begging him to reinstate lord George Murray, and dismiss all Roman catholics. The duke of Perth now resigned his commission of lieutenant-general, which was accepted, and lord George was made sole lieutenant-general under the prince, while Perth consented to remain merely as colonel of his own regiment. Perth appears to have been the leader of the party opposed to the further advance into England, and Ray, in his *History of the Rebellion*, has preserved a speech, said to have been made by the duke in council, and handed about at the time, which gives a good picture of the state of feeling of this party. He is represented as having said—"May it please your royal highness, I cannot help expressing the concern

I am in, to see so little unanimity, and so much heat and animosity prevail in this honourable assembly; my concern wants words sufficient to express it, when I reflect, that there are so many reasons to complain of our present situation; that there are so many circumstances daily occurring to perplex us in our projects, to weaken our strength, and discourage us in our undertaking. Our disappointments are so many, that we can number them only by the days that have elapsed since our first insurrection; and their greatness to be measured only by the danger into which we are now plunged. Our hopes before your highness's arrival in Scotland, were raised to the highest pitch, and could only be equalled by the zeal which subjects of all ranks in that kingdom expressed for his majesty. We flattered ourselves, that your highness would have appeared backed by a numerous army, well supplied with arms, money, and ammunition; their number, we were made to believe, would not be less than ten thousand men, and those of the best troops in France. These were solemnly promised by Mr. Kelly, when with us last spring; we were told they were ready in the ports of France, with transports and a fleet sufficient to protect their landing. But, when the time came, how were we disappointed! your royal highness landed in the west, with a retinue scarce sufficient for a private gentleman: however, this did not discourage your faithful clans from joining you; being still flattered that the promised succours were at hand, and would certainly arrive before there was any occasion of coming to an action. The numbers of the faithful highlanders still increased, till they were strong enough to venture for the east. When I had the honour of joining your highness at Perth, I was then assured that the French were actually embarked, and waited only for a fair wind; and that a considerable insurrection would presently appear in the north, and several other parts of England. The places of the several risings were particularly mentioned, and we were made acquainted with the names of many considerable men in England, who had undertaken to appear openly in his majesty's interest. We were assured, that his most christian majesty would certainly detain the English forces in Flanders, and would hinder the Dutch from sending any troops into Great Britain, by openly declaring your royal father his ally. But how we have been disappointed in

every article of these promises! The long-promised succours are not to this day embarked; the Brest squadron, which we were made to believe was to conduct the transports, has long since sailed, but whither no man knows; only we are certain they could not be designed for this kingdom, for they have had both time, and frequent fair winds, to have brought them long before now. His most christian majesty has been so far from declaring himself openly in favour of his majesty, that his minister at the Hague peremptorily declared to the states, that his master had no hand in the Don Quixote expedition, as he was pleased to term your highness's undertaking in Scotland. The Dutch were allowed, without molestation, to send over six thousand of those forces which were made prisoners by the French king's arms; troops which could be of no use to the Dutch in their own country by the capitulation with France—troops which his majesty of France could hinder being made use of against us, by a simple declaration that your royal father was his ally; yet this was thought risking too much in favour of a people who had ventured their all upon the assurances, promises, and faith of the French king. And what makes this disappointment sit the heavier upon us, is, that we are sure, if the Dutch had not sent these very identical troops, they would have been very much embarrassed to have spared others to perform their engagements with the elector of Hanover. But the promise of detaining the English forces was as ill performed as the other, though that solely depended upon his most christian majesty's general. They had it in their power to have hindered every man of them from returning to England; and either I am very ill informed, or they might have made most of them prisoners, had the French general been as sanguine at the latter end of the campaign, as at the beginning of it. But they were allowed to embark at Williamstadt without interruption, and are now almost landed in England, without the loss of a transport; though the possession of Ostend enabled his most christian majesty, had he been so inclined, to have annoyed them much. As to our hopes from England, they have been as delusive as French promises. When we arrived at Edinburgh, and had the fortune to defeat sir John Cope, our assurances of a speedy insurrection in England were renewed, and the days fixed; but these, and many others, have passed by, and

not the least appearance of any such design; though on the faith of them we continued inactive at Edinburgh. We might have proceeded southward, while the panic of Cope's defeat was fresh upon people's minds, and before the elector's forces could possibly be got together; but the opportunity was lost, in hopes, sir, that your English friends would declare for you, and supersede the necessity of your loyal clans going out of their own country. But, instead of any such numbers declaring for you, we were entertained with nothing but associations in all the parts of England, in defence of the elector's right; and not a man from that kingdom either joined us in Scotland, or made any interest to promote an insurrection in our favour in their own country. At last, sir, the scene was shifted, and new conditions annexed to old promises. We were now told that the French embarkation was delayed till all the English forces were drawn northward; and that then an invasion would be made in some part of the south, now supposed to be left destitute of troops to defend them; and that the English in the north are now intimidated from rising, by the vicinity of the enemy's troops, but promise faithfully to join us, so soon as our army gets foot on English ground. The general disposition of the people is represented to us as strongly in our interest; and we are assured, that the gates of all towns will almost open of themselves to receive us, and that the people ardently wish to join us. Notwithstanding the numerous disappointments we met with from the first beginning of this affair, yet we were again persuaded to listen to delusive promises. We march from Edinburgh and enter England; but, instead of that disposition to join us, which we were flattered with, we find those who cannot oppose us, fly us; and those who have the least shelter from our resentment despise us, and treat us with the utmost contempt. We were assured by a gentleman, upon whose veracity I always thought I might depend, and who now hears me, that the city of Carlisle, we have just now passed, would open its gates to us at our first appearance; nay, that your highness would have received the keys of the city some miles from the place. But how we were disappointed you all know, and with how much contempt your highness's summons was treated. The value of the place I know to be insignificant; nor do I believe the possession of it would be of any

real service to the main cause; yet the repulse we have met with from that paltry town, has this influence upon me, to convince me, and, I am afraid, too late, that we are all made the tools of France; a nation whose faith, like that of Carthage, is become a proverb; and there is as little dependence on the promise of English malcontents, whose zeal for your royal house these fifty years past, has manifested itself in nothing else but womanish railing, vain boasting, and noisy gasconades; their affection for you is most elevated when in their cups; and their sense of loyalty only conspicuous in the absence of their reason: warmed with wine and a tavern fire, they are champions in your cause; but, when cool, their courage and zeal, sir, for you and yours, evaporate with the fumes of the wine. Thus, sir, I conclude that we have no dependence on English assistance; to what purpose proceed we any further then? The elector's forces are by far superior to ours in number; daily supplied with money, arms, carriages, and ammunition; while we are destitute of all these. Your loyal highlanders will fight for you with as much zeal and courage as men can boast of; but shall we lead these brave men to certain destruction? Were the enemy's numbers but equal to us, or but exceeded us in a small proportion, I doubt not, but from the justness of our cause and the courage of our men, we might hope for success; but when they are three to one, and that we must expect to diminish rather than increase, I would think myself guilty of the grossest barbarity, should I give my voice to proceed any further into England, until such of this nation as have promised to declare for the cause actually join us. I entered, sir, into this affair with as much cheerfulness as any man here; I have contributed as much to support it as any; and I think I may say without offence, that I have as much to lose by the event as most men, and as little to hope. I shall venture my life with pleasure to promote his majesty's interest; yet, I think, I owe something to the safety of those people who have followed my fortune. I think I am bound in duty to prevent their ruin, as much as in my power, which I think inevitable, if they proceed any further; therefore I propose that we may return to Carlisle, and attempt to possess that city; for taking of it may give some reputation to our arms, and encourage the English to join us, if they have any such intention; if they have not, we

must then make the best retreat back to the highlands while we can, there disperse our unhappy followers, and shift for ourselves in some foreign country, where there is more faith than in either France or England."

On the 17th of November, prince Charles made his triumphal entry into Carlisle, and another council of war was held, at which the question of their future proceedings was again warmly discussed. It was proposed by some to direct their march to Newcastle, and fight Wade. Others, with the prince, were for marching direct to London. Others persisted in expressing their fears of the destruction which awaited them if they went farther into England. Their uneasiness, too, had been increased by the intelligence from Scotland, where supplies and reinforcements had been thrown into Edinburgh, and most of the other large towns in the south had begun to recover from their surprise, and were giving alarming proofs of their loyalty to the existing government, while the earl of Loudon and the lord president, Duncan Forbes, were successfully raising and arming the whig clans in the north. Lord Strathallan had been left at Perth to collect a second army of highlanders, and Charles had now sent him orders to march into England and join him with all speed; but Strathallan was so surrounded by enemies, that he was not in a position to obey. In spite of all these discouraging circumstances, Charles was obstinate in his determination to proceed to the south, and he silenced the objection founded on the apparent absence of all sympathy in England, by declaring his conviction that the moment he entered Lancashire, the old friends of his family would show themselves. M. de Boyer, the pretended French ambassador, who had accompanied the prince in his march into England, was made to declare with equal confidence that a French army was about to land in England. Their scruples being silenced by these statements, and influenced by lord George Murray, who warmly supported the prince's plan, the chiefs were all at length induced to agree to continue their march, although they knew that general Wade was preparing to hang upon their rear, and that another army was gathering in their front, under the command of sir John Ligonier.

On the 21st, Charles marched in two divisions from Carlisle, where he left a garrison of two hundred men. The first division,

consisting of six regiments of foot and a troop of horse-guards, went first, under the command of lord George Murray; the second was commanded by Charles in person, and followed the other a day later; and in the rear of this division was the artillery, guarded by the duke of Perth's regiment, the second troop of horse-guards, and a few "hussars." The two divisions joined at Preston on the 27th of November. A superstitious feeling gained upon the highlanders as they approached this town, the scene of more than one disaster to the Scots on former occasions, and many believed that they would never get beyond it; but this sinister feeling was dispelled by lord George Murray, who crossed the bridge immediately he arrived there, and quartered a considerable number of his men on the other side of the river. "Volunteer" Ray, who followed upon the line of the prince's march to reconnoitre his force and movements, has left us an amusing account of it, the circumstances of which may be taken without distrust, though the narrative displays a strong prejudice against the Scots. "At the same time," says he, "when they set out, I did also, in order to reconnoitre them, and go to the king's army. They took leave of Carlisle, flushed with their success; some of them, being well mounted and accoutred with the spoil of our country train bands, made a tolerable good figure; but for the most part, they were a very despicable mob; and had it not been for the arms they carried, it might well be thought there was a famine in Scotland, and that they came to England to beg; but they soon undeceived us, letting us know that they were sturdy beggars, committing all manner of rapine as they ran along the country; and their chiefs threatened the towns where they came with military execution, if their demands were not complied with, viz., in raising contributions, and collecting the excise. November 20th.—After leaving a garrison in Carlisle, this formidable army, or rather a plundering mob, to the number of about six thousand seven hundred, took their route, in three columns, by way of Penrith (sixteen miles from Carlisle) to Kendal, where, on the 22nd, their vanguard arrived, headed by colonel Stuart, consisting of one hundred and twenty horse, mostly gentlemen, and sixty foot; the quartermasters took a list from the constables of all the lodgings in the town; and after reviewing all the houses, delivered the

billets themselves. The 23rd, came in the lords Murray, Kilmarnock, Ogilvie, Nairn, &c., with their companies, most of which were quartered in Strickland-gate. The 24th, in the evening, came in the highland clans with their pretended prince in their front; he had walked from Penrith that day, which is twenty miles, and was quartered on Thomas Shepherd, Esq.; soon after came in the duke of Perth with two hundred men, who convoyed their artillery and baggage. The morning after they first entered the town, they made a proclamation in the name of their mock prince, that the country-people who brought any sort of provisions to town, both their persons and horses should be safe; which was observed for that and the next day, until night, when the rebels went out in parties, took several horses, and plundered the country in a shameful manner: these and several other outrages they committed on Sunday, which so chagrined the country-people and inhabitants of the town, that on Monday, when the main body of the rebels went out (though there were upwards of one thousand in the town), they attacked several of the horse-stealers; amongst them were two of their hussars on horseback, whom they immediately dismounted, and retook their horses. Their hussars were most of them young men, dressed in close plaid waistcoats, and large fur caps; but having very bad horses, it occasioned them to exert all their vigour in bringing them to a gallop, though very often the poor beasts, notwithstanding the severity used by their riders, would drop that speed, and take one more suitable to their age and infirmities. If the common men got a bellyful of victuals, they were not very curious about the goodness of it; and as to lodging, if a little straw was provided to lie upon, they were entirely easy. The excise they collected here for six weeks. On the 24th, the van of the rebel army continued their march by the way of Burton (a town half-way between Kendal and Lancaster) to Lancaster, where they demanded the public money.

"The 26th, the last column of the rebels entered Lancaster in such haste, that they only staid to eat some bread and cheese, standing in the streets, their first column being then at Preston. From Lancaster to Preston is twenty miles. The 27th they were at Garstang, which is a good thoroughfare town, half-way betwixt Lancaster and Preston, where the same day I was going,

but that I met with some acquaintance at Lancaster town-end, who told me there was not a possibility for me to pass that evening, for that the road was full of straggling rebels, who robbed all that fell into their hands; so I returned to my quarters, at the Sun, in Lancaster, where the magistrates and gentlemen had taken care for my safety, by directing me where to call upon people well-affected to the government, who always were free and willing to give me the best advice how to proceed. On the 28th I got to Garstang (being my first stage), about nine in the morning; and, as directed, I alighted at captain Gardiner's, at the Royal Oak. At my first setting out to reconnoitre the rebels, I purposed to pass and repass them in the road in the station of a trader, going about my own private affairs, for which I was provided with bills of parcels, letters of orders, &c., in case I should be searched by them, to make it more evidently appear I was the real person pretended to be: but being advised not to venture among them, lest I should find it a great difficulty to acquit myself of their inquiry, as they might be too penetrating not to see through such a disguise; and finding my desires could not be readily fulfilled this way, I resolved to take some other method, which should be fully as prejudicial as the former, viz., in taking up their stragglers; and being informed that there were two in the town which happened to stay behind their command, I resolved to go and take them; for which purpose I borrowed a fuzee and a case of pistols, when being showed to their quarters, I immediately went in and made them prisoners, and after disarming them, I supplied myself with their arms, and committed them to the care of a constable, who with his guard conducted them safe to Lancaster castle. In the road to Preston I picked up another straggler following his company; and within two miles of that town I met the rebel post, returning with despatches from their army to Scotland, whom I also made prisoner, and took from him forty-nine letters. I conducted him and the said straggler to Preston, intending to deliver them to the magistrates; but they would neither receive the prisoners nor letters, fearing the consequence of so rash an undertaking, the rebels being but just gone out of the town; and as I had brought those two rebels into it, they obliged me to carry them out, telling me that, amongst the crowd in the streets, there were several

who had wore white cockades, that were for going with the rebels, and would certainly know me again, so that if ever I had the misfortune to be taken prisoner, I might be sure of losing my life: on which a sergeant of the militia was hired, for twenty-five shillings, who, with four men to assist him, carried the above prisoners to Lancaster. After they were secured, I fled across the country, intending to have gone to Ribchester with the letters, expecting to have been pursued by the rebel hussars; but, without my knowledge, the gentlemen of Preston had taken care for my safety, by planting a guard upon the bridge, with strict orders to let no person pass, to prevent the rebels from having notice of what had happened, until I was got out of their reach. In the evening I met with a countryman, of whom I asked the way, and desired him, that if he met any of the rebels inquiring after me, to turn them a contrary way, which he promised to do; and hinted that it was not safe to proceed to Ribchester, but, on the contrary, advised me to make my way for Clithero. Before I got into the right road for that place, I came to a deep brook, over which was a long stone laid for foot-travellers, and in riding over it, one of the hinder feet of my horse slipped, and we both fell backwards into a brook of water, where I was well dipped; but my horse and self, after a little toil, got out without any other damage. Having no time to lose, I immediately mounted, the water dripping plentifully from my clothes, but my boots continued full, and my fire-arms were likewise wet, which rendered me incapable of making much resistance, in case I had been closely pursued. In this plight I continued for some hours, the night being very cold and frosty, and knew not the road until I came to a house, where I hired a guide, who conducted me over Longridge Fell to Clithero, where I arrived about ten the same night, and had the letters opened by a justice of the peace. Upon examination, there appeared little in them of consequence, except boasting epithets of favours which they had never received; alleging, among other things, that the people of Lancashire had joined them; that their army was increased to twenty-four thousand men, and that they were going directly for London without opposition. These letters, if they had gone to Scotland, would have been of bad consequence, in spurring up the people to rebellion, especially those who waited to

see the issue of things; for all the aforementioned forty-nine letters, whatever style they were wrote in, agreed in one particular, of their going directly to London; such an insinuation could not have failed of making some think it next to madness in them to stay behind, and not to follow their friends to so fine a place as that huge city, and get a part of the rich plunder that was to be had there. When the rebels were at Lancaster, going south, amongst the multitude which quartered at the Sun, there happened to be two lowland gentlemen; the one was complaining of his horse, which in some respect did not please him; to which the other answered—‘There were mony a guid horse in Lonon.’ The first replied, ‘I ken that richt weel, we’ll ilk ane get a guid horse anst we won there, and mony guid things beside.’ The rebels were at Wigan on the 28th, when a party of them went through Leith, and an advanced party entered Manchester the same day.

“Manchester was taken by a sergeant, a drum, and a woman, about two o’clock in the afternoon, who rode up to the Bull’s Head, on horses, with hempen halters (a just emblem of what they deserved), where they dined; after dinner they beat up for recruits, and in less than an hour listed about thirty. They were likewise joined by several others, some of desperate fortunes, who were modelled into what they called the Manchester regiments, mostly people of the lowest rank and the vilest principles, which occasioned him who called himself the duke of Perth to say, ‘That if the devil had come a recruiting, and proffered a shilling more than his prince, they would have preferred the former,’ which no doubt was a great disappointment for them, for they had flattered themselves with the hopes of a considerable insurrection in their favour. On the 29th, a considerable body of rebel horse entered Manchester, about ten in the forenoon, and the bellman was sent about the town requiring all such as had any public money in their hands to bring it in. About two in the afternoon the pretender, at the head of a party of picked highlanders, and in their dress, marched into Manchester; he took up his quarters at Mr. Dickenson’s, in Market-street-lane, and was proclaimed in form. In the evening the bellman was again sent about to order the town to be illuminated; and at night the rear of the army arrived, where they continued for two days. On the 30th I got to Rochdale,

where I very narrowly escaped being taken by a party of the rebels who were there to demand the militia arms, land-tax, &c. Near the end of the town I met with some men that had made their escape, who told me the rebels were in pursuit of them to take their horses; on which I turned back with what speed I could make, until I got to a mill; the miller showed me a path leading out of the road to a village where one Dr. Bentley lived, to which I hastened, stripped my horse, hid the furniture up in the hay-loft, and drew off my boots, that if the rebels chanced to see me, I might pretend that I lived there; by which I escaped. In the dusk of the evening I set forwards towards Rochdale, and in my way thither met with a man, who told me he had been round the adjacent country, to order the arms to be brought in, and sent to the rebels next day; on which I resolved they should not have mine, so threw them over a garden hedge, near the end of the bridge, where I went late in the night, with my landlord, and brought them from thence; and by the resolution of Robert Entwistle, Esq., and some other gentlemen, the arms were not sent to the rebels as agreed on. At Rochdale I met with P—— M——, a gentleman well affected to the government, who gave me a list of the roads to Macclesfield, by which direction I got safe, although not without difficulty. The rebels carried off all the horses they could find about Manchester, not excepting their friends, who, if they solicited on that score, got for answer, 'That if they had a regard for prince Charles, sure they would not refuse so small a trifle as a horse for his service.' They also borrowed all the boots and shoes they could meet with, so that many were deprived of their understanders. On the 30th, an advanced guard of the rebels marched, part for Stockport (by some called Stopford, being a market-town, on the edge of Cheshire, noted for its silk-mills, and a very ancient church, situated on the banks of the river Mersey; over it is a neat stone bridge, which divides Lancashire and Cheshire), and the rest for Knotsford. The said bridge being broke down by the Liverpool blues (already taken notice of), they crossed over above it.

"The next day a party of the rebels, mostly mounted on horses taken at Preston-pans, were at Ashton, receiving the excise, land-tax, &c. I was there that evening, and took advice of the reverend Mr. Penny

how to proceed. It is very remarkable, that in their whole progress, no discoveries could be made of the routes they intended to take, because they were never given out above an hour before their march began, and neither officers nor soldiers knew overnight where they were to go, or what service they had to perform the next morning."

The "Manchester regiment," which consisted of about two hundred men of the lowest class of the population, accompanied the prince in his march south. He left Manchester on the 1st of December, several parties of highlanders having crossed the Mersey at different places during the preceding night and early in the morning, and marched by different routes towards Macclesfield. The horse and artillery passed at Cheadle ford. The bridges were made of trees (chiefly poplars) felled for that purpose, and planks laid across. The rebels pressed all the horses they could meet with about Manchester, before they crossed the Mersey, and obliged several gentlemen who had sent their horses out of the way, to send for them back. By break of day, on the 1st, a party of horse came to Altringham, bespoke quarters for a body of foot (which arrived there about ten), and then set out for Macclesfield with a guide. At eleven o'clock about one hundred horse entered Macclesfield, and ordered the townsman to prepare quarters for five thousand men; the main body arrived about two o'clock, under prince Charles, who remained there that night. The vanguard, which consisted of about two hundred men, and which had orders to be in readiness to march at eleven at night, was quartered at Broken Cross, on the Congleton side of Macclesfield. The party which lay at Altringham, marched early on the 2nd towards Macclesfield, whence about two thousand foot passed by Gawsorth at ten. Two thousand horse and foot came into Congleton between three and four in the afternoon; and about thirty were detached to Ashbourn, two or three miles on the Newcastle side of Congleton. On the 3rd, a party of them were at Ashbourn, fifteen miles from Derby, and the remainder at Leek.

The king's troops were now gathering so as to begin to threaten the rebels in their march. On the 2nd of December, the duke of Cumberland, who had taken the command of the army and was then at Stafford, received advice from Newcastle-under-Lyne, that a large body of the highlanders were at Congleton, within nine miles of that place,

and that their whole army, with all its artillery and baggage, was to be there that night. His royal highness had before ordered the cavalry at Newcastle to be on the alert, and two battalions of infantry, which were likewise posted there, to retire to Stone, six miles nearer Stafford, in case of the enemy's approach. About eleven o'clock on the 2nd, the duke, with the three battalions of guards, marched from Stafford for Stone; at which place, the army, consisting of eleven old battalions of foot, and six regiments of horse and dragoons, were assembled at four next morning. Upon positive information that the highland army had marched by Congleton towards North Wales, the duke's vanguard made a movement towards Newcastle; but, on receiving other information, that they were gone for Leek and Ashbourn, it was resolved to march as soon as possible to Northampton, in order to intercept them in their march towards the south. Accordingly the duke's army returned to Stafford on the 4th, and to Litchfield on the 5th. Here, receiving advice that the enemy had taken possession of Swarkston-bridge, before the orders for breaking it down could be put in execution, it was resolved to encamp on the 6th on Meriden-common, between Coleshill and Coventry, and next day approach Northampton; by which means the army would be again before the highlanders. Wade, on receiving information of the motions of the highlanders, marched with the forces under his command on the 24th of November, and encamped on the 28th at Persbridge, and on the 5th of December at Wetherby. Here receiving advice of the march of the highlanders into Derbyshire, Wade directed the cavalry to begin their march towards Doncaster, where he expected to arrive on the 7th.

Early on the 4th, the highland army marched from Ashbourn, and about noon prince Charles entered Derby, with four hundred and fifty horse, and two thousand three hundred foot. The army continued to enter that town till late at night; and they marched in such a manner as to make their numbers appear as great as possible, and to render it extremely difficult to take an exact account of them. They gave out that they would march on the 5th to Leicester, but they remained at Derby all that day, with the artillery in the market-place. Some of them talked here as if they would make a sudden march, in order to slip the duke of Cumberland's army; whilst

others said, that they would see whether the duke would come and give them battle. They levied the excise everywhere.

Volunteer Ray's journal of the march of the highlanders is again sufficiently picturesque to be worth quoting:—"December 1. The mock prince, with the main body of his army, and all his artillery, entered Macclesfield. The afternoon was spent in cleaning and putting in order their fire-arms, as if expecting a battle soon to come on; but what was the real intention of the deputy-pretender and his council of war it is impossible to say, since it was first believed they intended to have marched into Wales; but perceiving, if they should accomplish that scheme, they would certainly be shut up there, and reduced to great necessities in a mountainous country, with which they were not acquainted, they abandoned this project as impracticable. On the 2nd, as their rear was marching out of Macclesfield, one of their boys wanting to buy a cap, was shown to a shop by one that had deserted from the king's army, who drew a dirk from the boy's side, with which he stabbed him in the thigh, and running through the Angel-inn, escaped backwards; upon which, part of the rebels returned, threatening to burn the town; and as he who committed the fact could not be found, they carried away, as hostages, the landlord of the Angel, and the master of the house adjoining to the shop where the fact was committed. This shows with what injustice their arbitrary power was executed, often punishing the innocent for the guilty. That day I was accompanied by Mr. Royle's son, from Bullock Smithey, to within half a mile of Macclesfield, when; being informed that the rebels were all gone out of the town, and thinking that I was quite safe, he left me; but as some of the rebels had returned on the above occasion, I rode into the town too soon, and alighting at the Angel-inn, narrowly escaped being taken. I immediately applied to the mayor, who took proper care for my safety; but not choosing to trust much to their highland civility, I was afraid of falling into their clutches, being sensible they would be more fond of meeting with the person who had intercepted their letters, than the man who had made his escape through the inn, was unwilling to give them that satisfaction; and as the favours for which they were indebted to me, were contained in my journal, I thought proper to commit it to the flames, and would

have left my arms with the mayor; but he told me, if the rebels should return, and upon search find any of these instruments of death, they might be provoked to burn his house; he therefore advised me to leave them at my inn, they not being accountable for what a traveller left; on which I hid them in my room and only acquainted the ostler. After I was gone (as I was informed at my return) the chambermaid went to make my bed, and, by drawing the curtains, shook the bed-tester, on which a handful of bullets trundled out of a disjointed corner, which excited a curiosity in her to stand on a chair, to see from whence they came, where she found my highland pistols, which were a piece of curious workmanship, the stock, lock, and barrel, being of polished steel, engraved and inlaid with silver; and on sweeping under the bed she found my sword, which was also of the highland make, by that curious workman Andrew Ferrara; when she came down stairs, she reported to the house that some of the rebels had left their arms; but the ostler told her they did not belong to the rebels, and that he would take care of them until the owner returned. On the 2nd of December, about two thousand of their foot passed by Gosport, and the same number of horse and foot entered Congleton. The same day in the evening, a detachment went for Ashbourn, as if they intended to go to Newcastle-under-Lyne; a party of their hussars advancing as far as Talk-o'-the-Hill, where they took captain Vere prisoner, in the Red Lion inn. The alarm of the rebels' approach was immediately sent to Newcastle-under-Lyne.

"At this time an advanced party of the king's troops, which lay at Newcastle-under-Lyne, consisting of about five regiments of horse and foot, hearing of the approach of the rebels, the drums beat to arms; which put the inhabitants into the utmost confusion. The regiments were all drawn up on the parade, and rested under arms for some time, when about twelve o'clock at night, they marched out of the town, leaving their baggage unloaden in the market-place, and retreated to Stone town field, where his royal highness the duke of Cumberland drew up his army and artillery, in expectation that the rebels would come and give him battle; but they, not caring to risk the hazard of an engagement, where his royal highness commanded in person, filed off towards Leek and Ashbourn, about fifteen miles from Derby. On the 3rd his royal highness

ordered his army into Stone for quarters, which were very hard to get, it being but a small town; and so many soldiers soon occasioned a consumption in the victuals and drink.

"December 4.—The young pretender entered Derby with about five hundred horse and two thousand foot; and, in the evening, the rest of his troops, in all about seven thousand, arrived with a train of artillery, consisting of fifteen pieces of small cannon and one cohorn, with all their baggage. That evening the duke of Perth, asking for a newspaper, the *St. James's Evening Post* was brought him, dated November 30, which contained the following advertisement, with a reward, which he carried to the pretender the next morning:—'Run away from their master at Rome, in the dog-days of last August, and since secreted in France, two young lurchers of the right Italian breed; and being of a black tan colour, with sharp noses, long claws, and hanging ears, have been taken abroad for king Charles the Second's breed; but a bitch from Italy unfortunately broke the strain in '88, by admitting into the kennel, a base mongrel of another litter.—They are supposed to be on the hunt for prey in the north. They go a full dog-trot by night, for fear of being caught. They answer to the names of Hector and Plunder, and will jump and dance at the sound of the French horn, being used to that note by an old dog-master at Paris. They prick up their ears also at the music of a Lancashire hornpipe.—This is to give notice, that whoever can secure this couple of curs, and bring them back, either to the Pope's Head at Rome, near St. Peter's church, or to the Cardinal's Cap at Versailles, or to the King's Arms at Newcastle, or to the Thistle at Edinburgh, or to the Three Kings at Brentford, or rather to the sign of the Axe on Tower-hill, shall have the reward of thirteen-pence-half-penny, or any sum below a crown, and the thanks of all the powers of Europe, except France, Spain, and the pope. N.B. They have each a French collar on, stamped with their father's arms, a warming-pan and the *flower-de-luce*, with this inscription—we are but young puppies of Tencin's pack. Beware of them, for they have got a smack of the Scots mange, and those that are bit by them run mad, and are called *jacobites*.' Their whole force being now together, and the stragglers and English recruits all come in, they made the most formidable appear-

ance possible in Derby; yet they used all the precaution imaginable to hinder an exact account from being taken of their number, which was a point they laboured to manage with the utmost diligence during their whole march, often demanding billets for ten thousand men, when they had not above half that number with them. On their first coming into Derby, it was judged, both from the measures they took, and from the behaviour of their chiefs, that they were still disposed to march on. In the evening they held their councils of war; in which the debate amongst their chiefs grew too high to be concealed; yet they agreed upon nothing the first night, except levying the public money; which they did with the usual threats of military execution, as they had done in all the towns they marched through. They also endeavoured to levy men here, and beat up publicly for that purpose, but with very little success; for there were very few that took on with them in the town, and those of the lowest class, both in point of morals, as well as condition; which plainly shows how low their credit was sunk.

"They continued in Derby the next day, and in the afternoon held another great council, in the presence of the young chevalier; in which (as it was afterwards known) a final resolution was taken for returning into Scotland. There has been various reasons assigned for their making this sudden retreat. But, as it is my design to relate known facts rather than conjectures, I shall pass them by, and only offer my own opinion, which I take to be the true cause, viz., the disappointment they had met with in the augmentation of their forces; for they flattered themselves with a great insurrection in England in their favour; Lancashire being the place most depended upon, as appeared by their letters, for imaginary succours, which county they had gone through without receiving the expected supplies, few having joined them, and those, such as I have already described, people of desperate fortunes and vile principles. All of any worth or reputation appeared hearty and zealous for the cause of their king and country, exerting themselves in their several stations, as became men who valued the true interest of a protestant government. There was scarce a town that I came to, when on the reconnoitre, where I was not known; but there was an officer came to take me up for a rebel; but when he found his mis-

take, I was visited by the magistrates and gentlemen of corporated towns, who congratulated me on my good success, with which they appeared to be well pleased. I look upon it as no discredit to Lancashire, that the rebels got some recruits amongst them, since they were mostly such as were a nuisance to the country; and I think it would have been better if such in every county had done according to their inclination, for then they might have had a chance to be hanged or dispatched in a readier way, by which the country would have been eased of a load not worth to be bore above ground; and if they had escaped without receiving their deserts, yet honest men might know how to place a just value on such detestable wretches. It seems most probable, that the small encouragement which the rebels met with in the place where they had the greatest dependance, might be the cause of their sudden retreat."

Thus far the pretender's small army had advanced without meeting an enemy in the field; but, however the more ignorant portion of his followers may have trusted to the hope that the same would be the case all the way to London, the more thinking part must have had their suspicions and fears that they were running into a trap. It is said that on the evening of Charles's arrival in Derby (Wednesday, the 4th of December), a council was held, in which there was great difference of opinion, and which separated without coming to any resolution. But intelligence had now reached Charles and his followers of a very varied character. In the first place, they became every hour more and more aware that their enemies were gradually gathering around them in overwhelming force. It was true that the mistake of the duke of Cumberland had left the road to London open to them; but it was more than probable that he would still overtake them before they reached the capital, and even if he did not, they had received exaggerated reports of the forces which were ready to oppose them in the south. The entire demonstration in their favour at Derby consisted of three recruits, and it was perfectly clear to everybody that the mass of the population of England was hostile to them. On the other hand, a messenger arrived from Scotland announcing the arrival of lord John Drummond in the north with reinforcements from France. On the morning of the 5th of December, the day after the arrival of

the rebels at Derby, another council was held, at which the discussion was so warm and loud, that it is said to have been heard in the neighbouring street. The highland chiefs were now nearly if not quite unanimous in the opinion that they should advance no farther, but return immediately to Scotland and join their friends there; and the wisdom of this course was so evident, that even lord George Murray joined in approving of it. The duke of Perth, almost alone, led only by his hostility to lord George, supported the contrary opinion. Prince Charles, who had already shown how little he cared for the sufferings of his friends so long as he was out of absolute danger himself, and who seems to have been entirely wanting in common foresight, remained obstinate in his wish to advance, giving only for his reasons that he trusted to Providence, that the people of England might still rise in his favour, and that it was possible a French army might still land on the southern coast. He tried in vain, by canvassing the members of his council individually, to persuade them to change their opinion; and when at length he was obliged to yield, he did so in the most ungracious manner, declaring pettishly that he would summon no more councils, that he was accountable only to God and to his father, and that he would no longer be advised by any man.

Early on the 6th of December the Scots commenced their retreat. The highlanders, who had been buoyed up with the hope of rich plunder in London, were not at first informed where they were going; but when recognising objects on the road which they had passed on their forward march they learnt the truth, they are said to have manifested some discontent. But this was soon dispelled by their habitual obedience to their chiefs, and all doubts on the wisdom of the resolution to return would have been quickly dispelled by events, for the duke of Cumberland had soon discovered his mistake with regard to their intentions, and lost no time in repairing his error. On the 5th of December he was at Stafford, with detachments at Burton-upon-Trent and at Litchfield, at which latter place the duke had his head-quarters next day. He moved thence immediately to Northampton, whence he commanded the road to London in advance of the rebels; while marshal Wade had reached Weatherly on the 5th, and thrown forward his cavalry to Doncaster.

In the retreat of the Scots, lord George Murray marched in the rear, the post of honour, while the prince, sullen and uncommunicative, because he had not been allowed to have his will, rode in the van, on a black horse which had been taken from colonel Gardiner at Preston-pans. In the night of the day on which they left Derby, they were at Ashbourn, and on Saturday, the 7th, they reached Leek, in Staffordshire. On their advance to Derby, the rebels had been kept in some degree of discipline by their chiefs, and had done much less mischief than might have been expected; but now, besides destroying everything that they thought would be useful to the king's troops in pursuing them, the highlanders committed many disorders which provoked the bitterest resentment of the country-people. When an advanced body entered Manchester, about noon of Monday, the 9th of December, they were hooted and pelted by the mob, in revenge for which the highlanders behaved much more rudely than before to the inhabitants, and a heavy contribution was forced from the town. Next day they continued their retreat with the greatest precipitation, and entered Preston on the 11th, when the superstitious apprehensions connected with the locality again came over their minds. The news of the near approach of the duke of Cumberland's forces compelled them to move hence, which they did on the 13th in considerable disorder, and after a dreary march among mountain roads almost impassable, and through a country the population of which did not disguise its hostility, the prince reached Penrith on the 17th. The rear, commanded by lord George Murray, and embarrassed with the charge of the baggage and cannon, was able to proceed much more slowly than the rest of the army, as it was continually impeded by the breaking down of the carriages in the mountain roads, and it was found necessary to throw away and destroy some of the ammunition and stores.

General Wade, who was marching south from Newcastle to join the duke of Cumberland, had reached Ferrybridge, when he received intelligence of the retreat of the rebels, and it was resolved in a council of war held there to strike across by way of Wakefield and Halifax into Lancashire, in the hope of intercepting them. But when Wade reached Wakefield, he learnt that the highlanders were already at Preston, and convinced that it was impossible to

overtake them with the foot, he sent forward major-general Oglethorpe with all his horse, and retraced his steps with his infantry to Newcastle. Oglethorpe, after a very rapid march, entered Preston on the 13th, not long after the rebels had left it, and was joined there the same day by the duke of Cumberland with part of his light horse. The light horse under Oglethorpe now hung close upon the Scottish rear, and gave them continual alarms on their march to Penrith. On the 17th, Cumberland and Oglethorpe, with the whole of their cavalry, and a thousand mounted infantry, were at Kendal, where they were obliged to rest that night. Next day, the duke's cavalry were in motion in such good time, that Oglethorpe's light horse, accompanied by many of the squires and farmers of the country, mounted and armed, came in sight of Charles's rear as it was laboriously making its way over Clifton-moor, but the royalists were not sufficiently strong to attack them, and Charles having sent back most of his horse to assist his rear, Oglethorpe fell back upon Kendal. Lord George Murray, meanwhile, sent forward the baggage, under a small escort, and remained behind to check the pursuit; and as he and the other Scottish lords who were with him were well acquainted with Lowther-hall, the magnificent residence of the earl of Lonsdale, they determined to turn aside from their direct route and take that place by surprise.

Accordingly, after placing a few of his hussars in a farmhouse on the road, as a look-out post, lord George marched with about three hundred foot and a troop of horse through the village of Clifton. He found the gates of Lowther-hall closed, and they were not opened to his summons; but, when some of his highlanders began to scale the walls, a man on horseback and another on foot, rushed out and attempted to make their escape. They were both taken, and one of them, who proved to be a running footman of the duke of Cumberland, informed lord George that the duke was advancing with four thousand cavalry and some infantry, and that he intended to establish his head-quarters at Lowther-hall the same evening. Upon this lord George fell back upon the village of Clifton, and dispatched a messenger to prince Charles, who immediately sent some regiments to reinforce him. These he placed in the most advantageous manner, under cover of the hedges and walls in a line from the village

of Clifton to the house of a quaker named Savage at the foot of the moor. It was now night, and the sky was partially clouded, with only a transient glimpse of the moon from time to time; and the advanced parties of the royalists would have fallen into an ambush and suffered very considerably, if one of the family of Savage had not made his way through the fields unobserved, and warned the duke of his danger. Some of the English cavalry, with a part of the infantry who had come on horseback but were now dismounted, were soon seen advancing rapidly over the moor, and they approached the position of the Scots with great resolution; but they were immediately exposed to a severe cross-fire, and lord George Murray, seizing the moment of confusion, shouted "Claymore! claymore!" and led the highlanders against them sword in hand. It was just the sort of fighting in which the English regulars were not a match for the highlanders, who very soon made them retreat in disorder, with a loss in killed and wounded of about forty men and four officers. The loss of the Scots was small—according to their own account not more than twelve men; but they made a hasty retreat upon Penrith, whence the prince fled in all haste as soon as he heard of the skirmish. The regiments of Clanronald and Keppoch were left between Penrith and Clifton-bridge, to conceal the flight of the rest.

The duke of Cumberland slept that night at the house of a loyal quaker adjoining the village of Clifton, and the pursuit was discontinued, while the rebels, after a dreadful march over mountain roads in a night of pitchy darkness, which compelled the prince to quit his horse and proceed on foot, reached Carlisle next morning (the 19th of December), unmolested, but in a state of great exhaustion. Nevertheless, they only remained in Carlisle one night, and on the following morning (the 20th) continued their retreat, and crossed the river Esk into Scotland at night, not without some difficulty, for the river was swollen so much that several are said to have been drowned in the attempt to pass it. The rebel garrison had been increased to three hundred by the Manchester regiment and a few French and Irish, who were with difficulty persuaded to remain, but not until they had received a promise of very speedy relief, as it was represented to them that lord John Drummond and lord Strathallan were ap-

proaching with powerful reinforcements. So hurried was Charles's retreat from Carlisle that he left behind him, in charge of the garrison, nearly all his artillery and a great part of his baggage. Indeed, he was so closely pursued, that at the time the rebels were crossing the Esk, the duke of Cumberland arrived within eight miles of Carlisle, and next day the place was formally invested. Some delay arose from the duke's want of siege artillery; but he sent to Whitehaven for a battering train, which was partly brought into position on the 28th, and a brisk fire opened upon the fortifications. The batteries, however, were compelled to remain idle during the next day by the want of shot, but this want was supplied towards evening, and some more and larger guns brought to bear upon the walls. Down to this moment the garrison had shown great resolution, and had kept up a continual fire on the besiegers. In the night of the 29th, the new batteries were opened upon the walls with great effect, and the resolution of the garrison began to waver. A man now came out of the town with two letters, subscribed by a French officer named Geoghegan, who called himself commander of the French garrison and artillery, one addressed to the duke of Cumberland and demanding terms of surrender, the other addressed to a supposed commander of Dutch troops, requiring him to withdraw them from the English army in accordance with the terms of the treaty of Tournay. Cumberland replied that he could make no bargains with rebels, and that he had no Dutch troops with him, but Englishmen enough to chastise all who gave assistance to the rebels. The batteries now recommenced their fire, and in about two hours another letter was sent to the duke, signed John Hamilton (late steward of the duke of Gordon), requesting to know what conditions the garrison might have, to which the duke replied, that all he could promise was, that they should not be put to the sword, but that they should be all reserved for the king's pleasure. After some further consideration, the city and castle were surrendered to the duke at about three o'clock in the afternoon of the same day (the 30th of December.)

Prince Charles crossed the Esk on the 20th, and his army was no sooner on Scottish ground again, than it began to be thinned by desertion. As he heard no news of lord John Drummond, with his

foreign auxiliaries, or of lord Strathallan, it was useless to think of returning to Edinburgh, which was now defended by the government troops, and he therefore determined to march upon Glasgow, which, although its inhabitants were zealously opposed to him, was not in a condition to offer any serious resistance. For the convenience of marching, the army was divided into two columns, one of which, with Charles himself, his so-called French ambassador, the duke of Perth, the lords Elcho and Pittligo, and Lochiel, Clanronald, Glengarry, and Keppoch, went the same night to Annan, from whence they proceeded next day to Dumfries, where, irritated by the protestant loyalty of that place, they committed some depredations and levied heavy contributions. The second division, under lord George Murray, proceeded to Ecclesfechan, and thence to Moffat. The two divisions were reunited on the 26th in Glasgow, whence the duke of Perth was sent to hasten his brother lord John Drummond, with his foreign auxiliaries, and orders were sent to lord Strathallan to join the prince with the troops under his command.

Neither of these chiefs had, however, been in a condition to act as yet with much efficiency. Perth, Strathallan's headquarters, had been the scene of bitter contention among the discordant materials of which his army was composed. He had received orders from the prince to join him in England, but his own better judgment had convinced him of the danger of obeying these instructions, and leaving an increasing body of royalists, under lord Loudon, at his back. It was decided, therefore, at a council of war, that under the circumstances the prince's orders could not be obeyed, and this decision was supported by most of the lowlanders, and all the French and Irish. The highlanders, on the contrary, insisted on marching, declaring that their king's commands were not to be disobeyed or to be examined critically by a subject. The dispute had risen so high, that it would perhaps have come to blows, for the highlanders were preparing to seize the military chest and stores, when the messenger arrived from Glasgow, to inform them that he had arrived there, and to give them his orders to hold themselves in readiness to join him. The force under lord Strathallan was now considerable, for lord Lovat, dazzled by the reports of the young pretender's unopposed march into England, had declared

in his favour, and sent his clan to Perth, where also were assembled the Mackintoshes, Mackenzies, Farquharsons, and others. Lord John Drummond had, as already stated, arrived from France, but he had not been fortunate in his passage, and a large portion of his transports had been captured by the English or driven back to Dunkirk. When he landed at Montrose, he had only his own regiment of foot, which was incomplete, two troops of horse, and a few companies of the Irish brigade, and so little money and stores that he was obliged almost immediately to levy contributions on the country. He at once sent a detachment under general Stapleton to join lord Strathallan, and another to Aberdeen to help lord Lewis Gordon in making head against the royalists under lord Loudon. This last-mentioned nobleman had now under his command a disciplined body of above two thousand highlanders of the whig clans, who, as he was very insufficiently supplied with money by the government, were kept together chiefly through the influence and credit of Duncan Forbes.

Lord Loudon's zeal paralysed for a while the rebel force under lord Lewis Gordon, who had his head-quarters at Aberdeen, but the latter were encouraged at this rather critical moment by the defeat of a strong body of the Macleods of Skye, who had joined lord Loudon, and of the Monroes. These, amounting to between six and seven hundred men, had been sent out to put a stop to lord John Drummond's arbitrary exactions in the neighbourhood of Inverary, but they fell into an ambush by night, and were driven back with loss. At the same time the king's troops and volunteers, who had occupied the important post at Stirling, informed that prince Charles and his army had certainly returned to Scotland, fell back upon Edinburgh, thus leaving the communication open between Charles at Glasgow and his friends under Strathallan and Drummond. On the 2nd of January, 1746, the highland army left Glasgow, and marched in two divisions towards Stirling. One division, under lord George Murray, marched by Cumbernauld to Falkirk, where he established himself next day; the other proceeded by way of Kilsyth, and the prince took up his quarters on the 3rd at the house of Bannockburn. Here he was joined by the whole of the forces under lord Strathallan and lord John Drummond, and his army now counted an effective force of

nine thousand men. A council of war was immediately held, and, instead of at once attempting some decisive blow against the king's troops which were now drawing towards Edinburgh in considerable numbers, Charles adopted the insane project of laying siege to Stirling castle, a strong fortress, well provided, and commanded by a resolute and good soldier, general Blakeney. With great difficulty they conveyed across the Forth the artillery which lord John Drummond had brought from France, and the siege operations were entrusted to the direction of a small number of inexperienced French engineers, who commenced their works on the strongest side of the castle, and on a rocky spot where it was almost impossible to make trenches. The consequence was, that the battery produced no effect on the fortress, while it was so exposed to the fire from the castle that many of the rebels were killed.

On the 6th of January, Hawley, a very incompetent general, but who had gained the favour of the duke of Cumberland in Flanders, arrived in Edinburgh to take command of the royal army. Hawley had a supreme contempt for the highlanders, and was accustomed to boast that they were totally incapable of withstanding a charge of regular troops, and his chief solicitude appears now to have been to have a sufficient number of executioners to do justice upon his prisoners for their treason. He had about seven thousand men in the neighbourhood of Edinburgh, besides the Glasgow and Edinburgh regiments, and reinforcements were rapidly advancing from the south, but instead of waiting for these, he hurried forwards, as he imagined, to crush the rebellion by one blow. The first division of the army left Edinburgh on the 13th of January, and the rest followed next day, and on the 16th they were all encamped in a field about a mile to the west of Falkirk. With Cochrane's dragoons and a body of Argyleshire highlanders, who joined next morning, the royal army was about equal in numbers to that of the rebels, and they were now only seven miles distant from each other. But Hawley, with extraordinary carelessness, allowed himself to be detained all the forenoon at Callendar-house by the seductions and good cheer of lady Kilmarnock, while his troops were left without any orders how to act, as they perceived the enemy gradually approaching them in full force. Charles had that morn-

ing reviewed his whole army on Plean-muir, from whence he marched about ten o'clock in two columns, round by the village of Dunipace, to gain the heights to the south of Hawley's position. In order to deceive the royalists as to their design, lord John Drummond was detached with a body of horse and foot along the high road to the north of the Torwood, to show themselves and create the belief that the whole army was advancing in that direction; and the royalists, partly owing to the weather, which was very rainy and windy, and hindered them from observing distinctly, were entirely deceived, until, about one o'clock in the afternoon, two officers mounting a tree, descried by means of a telescope the approach of the main body of Charles's army. Information was immediately carried to Hawley, who, entirely occupied (as was said) with his fair hostess, or perhaps thinking that the inclemency of the weather would hinder an engagement that day, merely replied that "the men might put on their accoutrements, but there was no necessity for them to be under arms." That necessity, however, was soon evident on the field, for about two o'clock certain intelligence was brought in that the rebels were crossing the Carron at Dunipace, and directing their march towards Falkirk-muir. The officers, still without orders, formed their regiments in front of their tents; but everything was in the utmost confusion, when at length general Hawley arrived. At this moment he seems to have been occupied by only one idea, his favourite notion that the highlanders could never withstand a charge of horse, and without even surveying the field, he ordered the dragoons at once to advance to the high ground which the highlanders were preparing to occupy, and the infantry to follow. The highlanders, observing this movement, quickened their pace, and gained the summit of the high ground before the dragoons reached it, and there they formed in a line, commanded by lord George Murray. A second line, in their rear, was formed by the low country regiments, the Maclauchlans, the Athol men, and lord John Drummond's reinforcement, and was commanded by the duke of Perth. The Irish pickets and a small body of horse were formed as a reserve still further in the rear, and with them Charles took his station.

The king's troops were now placed under great disadvantages. The wind and rain,

which was in favour of the enemy, came direct in their faces, and wetted the muskets of the infantry so much, that a majority of them, when brought into use, missed fire, while the troops had to advance nearly all the way up-hill. Hawley had also drawn up his army in two lines, leaving the Argyleshire highlanders on the ground in front of the camp, and the Glasgow militia stationed among some cottages to the south; but before the lines were completely formed, he ordered the dragoons to push forwards to the attack. The highlanders reserved their fire till the dragoons were within ten paces, and then gave such a steady volley of musketry, that at the first discharge the regiments of Hamilton and Ligonier, as on former occasions, fled headlong down the hill, while Cobham's regiment, which was more steady, wheeled to the right, and retreated leisurely, although exposed for some time to the fire of the enemy's left. The effect of the flight of dragoons was instantaneous upon the highlanders, and the whole of the front line, except the Macdonalds, rushed down the hill in pursuit, in spite of all the efforts of lord George Murray to restrain them. When they came upon the first line of the royalists, they received and returned their fire, and then, according to their usual custom, threw away their muskets and attacked them with their claymores. Both the first and second line broke and fled in confusion, with the exception of one regiment of the second line, which, joined with part of two others, remained steady under general Huske, and stationing themselves on the edge of a ravine, commenced a galling fire across it upon the rebel regiments which still remained together, and which fell back to seek support from their second line. But this second line had entirely disappeared, for part of them had followed their comrades in the pursuit, while those who remained, deceived by the fire of the royalists across the ravine, were suddenly seized with the idea that their own troops had been driven back, and fled in the utmost confusion, so that at the same moment royalists and rebels were flying in opposite directions. The rebel reserve was now brought up, it was said by Charles himself, but there seems to be some reason for doubting this statement, and it is said also that the honour of bringing up the reserve on this occasion belonged to Ker of Graden. Meanwhile Cobham's dragoons, who had not dispersed, perceiving

what was going on, joined the foot against whom the Scottish reserve was now advancing, and with them effected an orderly retreat to the ground before the camp occupied by the Argyshire highlanders. Everything was now in great confusion, which was materially heightened by the storm and by the gloom of approaching night, and scarcely a person in either army really knew which side had gained the victory. But general Hawley seems to have lost all presence of mind, and taking it for granted that all was lost, he ordered his camp to be set on fire, and abandoning his cannon, baggage, and provisions, made a hasty retreat through Falkirk to Linlithgow. When the light of the fires in the abandoned camp was first visible, the rebels supposed that the royal army had rallied, and were preparing to renew the combat next morning, but they were soon undeceived by spies who had ventured to the enemy's camp, and brought back an account of the real state of affairs. Lord George Murray then took possession of the town of Falkirk, where prince Charles slept that night, which was employed by the highlanders in stripping the dead and ransacking the baggage which the royalists had left in their camp. The loss of men was not great on either side, considering the numbers engaged. That of the king's troops was less than four hundred killed and wounded, including, however, no less than one colonel, three lieutenant-colonels, nine captains, and three lieutenants among the slain. The rebels had three captains and four subalterns, with about forty men killed, and about eighty wounded.

This extraordinary victory brought no advantages to the cause of prince Charles, who seems to have shown a singular perversity of judgment in regard to fighting, for when it was absolutely necessary to fight, he was unwilling, and he was just as much bent upon fighting, when it was madness to risk a battle. So now, although it is clear that he ought immediately to have pursued his success and marched to Edinburgh, a course which would no doubt have been very disastrous to the English government, he preferred returning to the siege of Stirling, having set his heart upon obtaining possession of that fortress. Accordingly, the lowland regiments and foreign auxiliaries resumed the siege operations, while lord George Murray, with the highlanders, took up their old position at

Falkirk, and Charles returned to his quarters at Bannockburn-house. The royal troops, who owed their easy escape from the battle to the disorder of the highlanders in their eagerness for plunder, had thus time to recover from their astonishment. They were soon reunited at Edinburgh, where general Hawley, who had no inclination to return in search of the enemy, held a court-martial on some officers upon whom he wished to throw the blame of his disgrace. No sooner did the news of the disaster at Falkirk reach London, than the king ordered his son the duke of Cumberland, who was then extremely popular with the army, to proceed to Scotland and take the command of the forces there; and the duke's preparations were made with such expedition, that he entered Edinburgh on the 30th of January, and although it was three o'clock in the morning when he arrived, he reviewed the troops the same day. The soldiers, who were thoroughly disgusted with Hawley, saw the duke with the utmost joy; and full of courage, they were now eager to encounter the enemy from whom they had so recently fled. Next day they began their march in two columns, one with the duke himself by way of Linlithgow, and the other under general Huske, who had behaved so well in the late battle, along the coast and through Borrowstounness. The two divisions were to unite at Falkirk, where they expected to find the rebel army. In this march the magnificent palace of Linlithgow was fired by some of the soldiery and burnt.

The progress of the siege of Stirling, meanwhile, only showed more and more the incompetency of Charles's engineers, and his only well-disciplined troops, the Irish pickets, were exposed to the enemy's fire and sacrificed in vain. At length, a battery which had cost three weeks' hard labour, being nearly finished, a trial of it was made with three guns, which were directed against the castle; but general Blakeney, who had looked on with the greatest composure during the progress of this work, returned their fire with such effect, that in about half-an-hour the whole battery was destroyed. Disheartened by this disaster, Charles was at length convinced that the siege of Stirling was a hopeless undertaking, and he gave it up, and now, when it was too late, suddenly determined to give the royalists battle. It appears that the young pretender was often

actuated by a vain conceit that he resembled in person the great Robert Bruce, and he was now impressed with the notion that he was going to obtain a second victory of Bannockburn, and there he determined to await the enemy. On the 28th of January, his officers, who were not then well aware of the condition of the royal army, yielded to his proposal, and a plan of battle was drawn up, and Charles sat with some of them and talked gaily of it till late at night. But before next morning a total change had come over the opinions of the officers, who had received information that the royalists were reinforced and in high spirits, and that the duke of Cumberland had either arrived or was hourly expected, while they found that their own numbers were very seriously diminished by the desertions of the highlanders. In the evening preceding, a council of war had been held by the chiefs at Falkirk, and they agreed to an address to the prince, which was now brought to him by lord George Murray. In this document they told him plainly,—“We are certain that a vast number of the soldiers of your highness's army are gone home since the battle of Falkirk; and notwithstanding all the endeavours of the commanders of the different corps, they find that this evil is increasing hourly, and not in their power to prevent; and as we are afraid Stirling castle cannot be taken so soon as was expected, if the enemy should march before it fall into your royal highness's hands, we can foresee nothing but utter destruction to the few that will remain, considering the inequality of our numbers to that of the enemy. For these reasons, we are humbly of opinion, that there is no way to extricate your royal highness, and those who remain with you, out of the most imminent danger, but by retiring immediately to the highlands, where we can usefully employ the remainder of the winter by taking and mastering the forts of the north; and we are morally sure we can keep as many men together as will answer that end, and hinder the enemy from following us in the mountains in this season of the year; and in spring no doubt but an army of ten thousand effective highlanders can be brought together, and follow your royal highness wherever you think proper. This will disconcert your enemies, and cannot but be approved of by your royal highness's friends both at home and abroad. If a landing should happen in the meantime, the high-

landers would immediately rise either to join them or to make a powerful diversion elsewhere.” This document, which was full of reason, was signed by lord George Murray, by Lochiel, Keppoch, Clanronald, and all Charles's best friends, yet he received it pettishly, and, with angry impatience of anything which contradicted his will, he knocked his head like a madman against the wall, violently inveighing against lord George, and exclaiming despitely, “Good God! have I lived to see this?” Charles's old tutor, Sheridan, was sent back to the chiefs to persuade them to yield to Charles's plans, but they resolutely refused to sacrifice themselves and their men to his caprice, and Keppoch and others came in person to impress upon him the necessity of a retreat. He was at last obliged to yield, but in an ill-humour, which showed little care for the lives or comforts of his friends and followers. The army was drawn up at head-quarters on the 1st of February, preparatory to its march towards the north, and Charles now commenced his retreat with such precipitation that lord George Murray was nearly left behind. Most of the guns used in the siege of Stirling were either spiked and thrown into the Forth, or subsequently abandoned in their march, many of their stores were burnt, and the powder-magazine in the church of St. Ninians was blown up, it is unknown whether by design or accident, and caused great devastation in the village. The rebels halted first at Dunblane, Charles sleeping that night at Drummond castle, and next day they continued their march to Crief, after which it was found necessary, from the scarcity of provisions, to separate the forces, and Charles took the highland road with the clans, while the lowland regiments with the horse marched by the coast to Inverness, where they were to meet again.

As the duke of Cumberland approached Falkirk, on the very morning the rebels began their march, he received intelligence of their retreat, which was soon after confirmed by the blowing up of the magazine. The duke immediately sent forward general Mordaunt, with the Argyleshire highlanders and the dragoons, but, finding it impossible to overtake the enemy, he took possession of Stirling, where the royal army arrived the same day. Some delay was caused by the necessity of repairing the bridge, which had been destroyed, but on the 4th the army began to march northwardly, and Cumber-

land entered Perth on the 6th, where for the present he established his head-quarters, sending strong detachments to occupy as advanced posts Dunkeld and Blair castle, under sir Andrew Agnew, and Castle Menzies beyond Tay-bridge, under lieutenant-colonel Leighton. As the season of the year rendered any attempt to enter further into the highlands out of the question at present, the army was left here during the remainder of the winter, and the soldiers lived at free quarter upon the country, plundering and devastating the disaffected districts in every direction. Cumberland returned to Edinburgh, where the prince of Hesse had arrived, with six thousand Hessian troops. The Dutch were engaged by treaty to furnish six thousand troops to the king of England in case of need, and they had sent over this contingent, consisting of men from two garrisons, who on their surrender to the French had bound themselves not to serve against the king of France or his allies for twelve months, and who were therefore useless at home; but, as the French king had now troops engaged in Great Britain, he demanded that the Dutch troops should be recalled, which was accordingly done, and a body of Hessian troops had landed at Leith in their place. These were immediately sent forward to Perth. A council of war was held in Edinburgh, in which the general opinion seemed to be that the war was over, and that the rebels would not assemble again in any force; but lord Milton was of a different opinion, and said that he believed that the highlanders were only separated to prepare for a more effective rising in the spring, when the young pretender would no doubt appear again in the field with a formidable army. The duke coincided in this opinion, and next morning he returned to Perth to direct active operations. Leaving the Hessian troops in possession of Perth, he advanced northward with the rest of his forces, and fixed his head-quarters at Aberdeen on the 27th of February.

Meanwhile, as the neglect of the government had left Duncan Forbes and lord Loudon almost entirely to their own resources, they could make no efficient stand against the rebels, who were carrying everything their own way in the highlands. After the junction of his forces, it was found necessary to disperse them among the mountains for want of the means of sustenance when kept together, and Charles,

on the 16th of February, went to Moy, the castle of the Mackintoshes, about ten miles from Inverness. Loudon, who was stationed at Inverness with about two thousand men, made a well-concerted attempt to take the young pretender by surprise. Having posted a chain of guards and sentinels round the town to prevent any one going out and conveying intelligence, he set off in the afternoon with a body of fifteen hundred men, marching with the utmost secrecy, and timing his advance so as to arrive at Moy at about eleven o'clock at night. Intelligence had, however, been carried, though late, to the prince, who was so nearly surprised, that he made his escape to the mountains in his *robe-de-chambre*, nightcap, and slippers. He might, however, have remained in safety at the castle, which was saved from the intended visit by a stratagem of the blacksmith, who placed a small party in ambush in a wood which skirted the road, and when lord Loudon's troops received their fire, they were so panic-struck, that they fled back precipitately to Inverness. A day or two after, the highlanders had assembled at Moy castle in such numbers, that Charles found himself in a condition to march against Inverness, which lord Loudon was obliged to abandon, and, leaving a small garrison in Fort George, he retreated, accompanied by Duncan Forbes, across the water into the shire of Ross. Charles entered the town immediately after Loudon left it, and the garrison of Fort George made a very short defence. With the cannon taken in this fort, Charles was enabled to undertake the siege of Fort Augustus, which also surrendered in a few days, the garrison of a hundred and fifty men being made prisoners of war. The prince now established his head-quarters in Inverness, where his highland forces began to reassemble, and they received encouragement by the arrival at Aberdeen and Peterhead of ships from France which had contrived to escape the British cruisers. They brought a picket of Fitz-James's cavalry, and a supply of money, arms, and ammunition. These reached Inverness about the end of February, with the portion of the pretender's army under lord George Murray, who had been dislodged from Aberdeen by the approach of the duke of Cumberland. In the beginning of March, an expedition was sent into Ross-shire under lord George Murray and the duke of Perth, and lord Loudon was driven from post to

post until he was obliged, with Forbes, and about six hundred of his men, to take refuge in the Isle of Skye. On his return from this exploit, lord George Murray planned and carried into effect an expedition to surprise all the loyalist posts in Athol, and one after another they all fell into the hands of his highlanders, generally with little resistance, until he came to Blair castle, which was successfully defended against him by sir Andrew Agnew.

A party of soldiers from Blair were at Lude, and their officers in Blair inn, when the former were surprised and captured; but the officers with great difficulty succeeded in making their retreat into the castle. Sir Andrew Agnew, the governor of Blair castle, immediately sallied forth, and surprised his enemies, and lord George Murray would have been taken but for his extraordinary presence of mind. But lord George soon collected his forces in greater

number, and regularly invested Blair castle, but the garrison held out with remarkable fortitude, until, after suffering a blockade of eighteen or twenty days, and being reduced to the last extremities for want of provisions, they were relieved by the earl of Crawford. The siege of Fort William, the more westerly of the line of highland forts, had been formally undertaken under the direction of general Stapleton and Lochiel, with Keppoch and Stuart of Appin, and their clans, and three hundred men of the French-Irish pickets; but they were so much impeded in the conveyance of their artillery, that it was the 20th of March before they got their guns in position, and then the garrison defended themselves so well, that the besiegers were called off to more pressing work before they had made any progress. Early in April they raised the siege, leaving a considerable portion of their battering train behind them.

CHAPTER X.

THE BATTLE OF CULLODEN, AND ITS CONSEQUENCES.

WHILE the rebels were busy with these gallant but petty affairs in the highlands, the royal forces were gradually closing upon them, and were receiving constant reinforcements. General Bland, at this time, lay at Strathbogie, general Mordaunt at Old Meldrum, and the duke himself had his head-quarters at Aberdeen, with strong advanced posts in various directions. The prospects of the rebels were in other respects anything but encouraging. Their supplies from France had now little hope of reaching their destination, and just at this time the *Hazard* sloop, bringing men and officers, with a considerable sum of money for the young pretender, was captured on the coast of Sutherland. Charles was severely disappointed by the loss of the money, for his funds were now very low, and he talked of attempting an expedition to the south to raise money by levying exactions on the lowlands, but this in his present circumstances was hardly possible. His choice remained between risking a pitched battle, or falling back into the mountains and pro-

longing the war there, and the highlanders, who saw the season of the year now approaching when their wilds were most accessible, were in favour of the former alternative. As it was evident that Inverness would be the point of attack, the highland army was concentrated there, and all the detached parties were hastily called in, for no one could doubt that the duke of Cumberland would speedily show himself on the banks of the Spey.

Cumberland waited at Aberdeen until his fleet of men-of-war and transports had arrived, and then, on the 7th of April, having ascertained that the Spey was now fordable, he put his army in motion, and the last division left Aberdeen on the 8th. They marched along the coast, generally with the fleet in sight, and the soldiers plundered the houses of jacobites on their way, and burnt the episcopal chapels. At Banff the duke ordered two spies to be hanged, and other executions of this kind marked his route. On the 11th the whole army united at Cullen, and they marched from thence to Fochabers on the banks of the Spey, whence

they beheld a strong body of the rebels on the other side under lord John Drummond, who had erected a battery and threatened to dispute the passage of the river. It is said to have been the intention of the rebels to fight the decisive battle here, and to have been their expectation that Drummond would be able to hold the duke of Cumberland at bay until the whole army was collected at that point; but the highlanders were still much dispersed, and lord John was soon forced to retire before the duke's superior artillery. The royal army passed the river in three divisions, one at a ford near Gormach, another at Gordon castle, and the third at Belly church. Cumberland's head-quarters were that night at Speymouth, and next morning he continued his march to Alves, within four miles of Elgin. On Monday, the 14th of April, as Cumberland's van, composed of the Argyshire highlanders, with some grenadiers and Kingston's light horse, entered Nairn, they came up with lord John Drummond's rear, and a skirmish between the English grenadiers and the Irish pickets took place on the bridge. The royal troops followed the enemy to a distance of four or five miles beyond Nairn, but the sudden arrival of prince Charles, with his guards and the Mackintoshes, checked them, and they returned with all speed to Nairn, where they found the royal army encamped on a plain to the west of the town. Next day (the 15th of April), which was the duke's birthday, the men were allowed to repose themselves.

Charles slept at Culloden-house, the seat of Duncan Forbes, on the night of the 14th, while his troops lay among the heather on the adjacent moor. Early next morning they were drawn up in order of battle on Drummoissie-muir, about a mile and a-half to the south of Culloden-house, expecting the appearance of the duke's army, which they supposed was on its way to attack them. Although Lochiel and the Camerons had arrived during the night, several of the clans were still absent, and they were therefore still deficient in the numbers with which they intended to give battle. At noon they still remained in position on the moor, without any intelligence of the enemy, upon which lord Elcho was sent out with the horse to reconnoitre, and he soon returned with intelligence that the duke's soldiers remained at Nairn, drinking and singing in honour of his birthday, and showing no in-

tention of advancing that day. A council was immediately held, at which Charles proposed to march with all the forces they had then and attack the duke's camp in the night. The duke of Perth, lord John Drummond, and Lochiel, are said to have been opposed to this plan, but lord George Murray, relying implicitly on lord Elcho's statement, which appears to have been incorrect as to the extent to which Cumberland's soldiers were carousing, insisted upon the advantages of the night attack, and it was finally agreed that it should be undertaken. All this while the troops, who had been some time without pay, were entirely without food; and it is asserted that during the whole day they had only one sea-biscuit for each man; and when the council broke up, it was found that many of them had stolen off to Inverness or elsewhere in search of something to eat, refusing to return, and alleging that they might as well be shot for disobedience as die of starvation, while those who remained were discontented and murmured. It was now approaching the hour (eight o'clock), when by the decision of the council, they were to begin their march towards Nairn; but the appearance of the men was so unsatisfactory, that many were of opinion they ought to relinquish the design. Charles, however, was resolved they should proceed, and accordingly they set out with orders to march in profound silence and to use no fire-arms in the attack.

The distance in a direct line to the royal camp was about twelve miles, and it was arranged that the whole army was to march together till they reached Kilravock, about nine miles from Culloden, where lord George Murray, with about one-third of the army, was to cross the river Nairn and march along the south side, while the remainder continued on the direct road, so that the attack might be made on two sides of the camp at once. Charles's army marched in a long line, with a gap in the middle which made it resemble two columns following each other. Lord George Murray, with the Athol brigade, marched in front, and lord John Drummond in the rear, of the first division; while the prince with the duke of Perth marched, according to some accounts, in the gap between the two divisions, or, according to others, in the rear of the second division, in which were the French and Irish pickets. These latter, sinking continually in the deep wet ground, were retarded in their march, while lord George

hurried forward his highlanders, who were more accustomed to such marches than their foreign allies. The consequence was, that long before they reached Kilravock the distance between the two divisions had become inconveniently great, and immediately they passed that place, it was found necessary for the first division to halt and wait for the others. This caused much delay, which seems to have been accompanied with no little dispute and recrimination. It was now two o'clock in the morning, the hour at which they ought to have reached the camp, and, as it was evident they could not now reach it before day-break, all hope of taking it by surprise had vanished, and it was the general opinion of the chiefs that it would be folly to attempt it, and that the only thing now to be done was to return. Charles was still desirous of proceeding, but he was too far behind to hold ready communication with the front, and lord George, taking advantage of conditional directions which had been transmitted to him, gave the order for everybody to make the best of their way back to Culloden. As might be expected, such a retreat was singularly discouraging, as well as fatiguing, to men who were already suffering so much from hunger and fatigue that many of them had dropped down on their march towards Nairn, and had fallen asleep through exhaustion. The return was much more rapid than the advance, as they had daylight to guide them, and there was no necessity for seeking a circuitous route; but when the men reached Culloden, they were broken with fatigue, and the army was full of murmuring and insubordination. Charles was furious at the abandonment of the enterprise, and gave offence to many of his officers by his pettishness; yet there can be no doubt that the surprise would have been a failure. The duke of Cumberland had full intelligence of their design, and of all their movements, by spies who, being highlanders like themselves, mixed easily among them; and his men, instead of being drunk as Charles supposed with the preceding day's potations, lay on their arms all night prepared for an attack, while the Argyleshire highlanders were stationed in the plain considerably in advance of the camp, as an outpost, and still further in advance of them a party of dragoons patrolled during the night from the water of Nairn to the sea.

It was between five and six o'clock when the rebel troops reached Culloden, and they

were in such an exhausted condition, that a majority of them threw themselves on the ground to sleep, while others went to Inverness and other places in search of provisions. It was estimated that not less than one-third of Charles's army was thus scattered over the country for several miles round. The horses were too much knocked up to be fit for patrolling, and the prince and every one appear to have been still labouring under the belief that Cumberland's soldiers were all drunk and unfit for duty, and that no immediate danger was to be apprehended from them. Charles and his officers went to their old quarters in Culloden-house, where they drank some whiskey and then went to bed. But they were aroused almost immediately by the arrival of one of Lochiel's lieutenants, who, having been left asleep at Kilravock, now came almost breathless with running to give the alarming intelligence that the royal army was in full march to Culloden. The confusion was great, and it was not without difficulty that the numerous stragglers were called in, and the highland army was assembled under arms on the muir of Drummosie, somewhat nearer Inverness than on the preceding day. The chiefs now represented to Charles the exhausted condition of their men, and lord George Murray entreated that they might be drawn away from their present exposed position on the plain, to a rising ground in the rear, where they could await the arrival of strong reinforcements they knew were on their way, before they were compelled to give battle. But Charles was in one of his obstinate humours, and, representing that this would look like avoiding a battle, he told his officers that he was determined that in future no one should command his army but himself. He then ordered Sullivan to marshal the troops, and he increased the ill-humour already existing among them by taking from the Macdonalds the position they claimed on the right of the line, which was considered the post of honour, and which they pretended they had held ever since the battle of Bannockburn, and giving it to the men of Athol. The clans as usual formed the first line, the right of which was commanded by lord George Murray, and the left by lord John Drummond. The second line consisted of the lowlanders, the French and Irish pickets, and a few clansmen. The earl of Kilmarnock was posted behind this line, with his foot, and as many of the horse as could be

mounted, as a reserve; and Charles himself, with two troops of horse, occupied a small eminence in the rear of the second line to the right. The first line had its left protected by a marsh, and its right by a strong stone wall of a large enclosure which extended to the river.

The battle which followed, like almost all those in which the highlanders were concerned, was of very short duration. When the duke of Cumberland first came in sight of the rebels, he seems to have been surprised at finding that they had remained to fight, and, at the distance of about half a mile from their front, he formed his army, also in two lines, but with a powerful reserve. Each line consisted of six regiments of foot, Burrell's regiment, which had distinguished itself at Falkirk, holding the left of the first line, and the Scots royals the right, while Howard's regiment had the right of the second line, and Wolfe's the left. On their right, a morass stretching to the sea-shore, was a sufficient protection, while a strong body of dragoons and four companies of the Argyleshire highlanders were placed on the left. The reserve consisted partly of cavalry. The centre of the first line was commanded by the earl of Albemarle, the right by major-general Bland, and the left by lord Ancram; the duke of Cumberland was on the right of the second line, and general Hawley on the left. Before these arrangements were completed, the rebels opened their fire upon the royal army with a few pieces of artillery, which were so ill-served that the only harm they did was to carry away the leg of one common soldier. On the contrary, as soon as Cumberland's guns were brought up to his front, they were directed upon the masses of the highlanders with such destructive precision, that it required the utmost exercise of lord George Murray's authority to keep them steady in their lines for a short time. The cannonade on both sides lasted about an hour, during which time the duke brought up some of the infantry of his reserve into the front, and Wolfe's regiment was thrown forward to the left of the first line, where they formed in advance and at right angles to it, so that when the highlanders came up, they would be taken in flank. At length the clans from the centre and right of Charles's front line were seen rushing forwards according to their usual mode of fighting, led by the Mackintoshes. As they approached, the English cannon poured

grapeshot upon them, while they were taken in front and in flank by the musketry of the duke's first line and of Wolfe's regiment; yet they continued to advance, turning a little to the left to avoid the artillery, until, having as usual discharged their muskets and thrown them down, they drew their claymores and threw themselves upon their opponents with such impetuosity that they broke through Burrell's regiment, and forced their way into the space between the first and second lines. But they were received steadily by Sempill's regiment, with such a destructive fire that they were obliged quickly to fall back, with the exception of a few who fell in the desperate attempt to break the ranks opposed to them. It was calculated that near five hundred of the highlanders were slain or desperately wounded in the space between the two lines. The left of Charles's first line, consisting of the Macdonalds, who had been offended by losing their place on the right, and the Fergusons, had not shown the same eagerness to advance; but when they saw the Mackintoshes engaged with the first line of the enemy, they also rushed forwards, discharged their muskets and threw them down, and were soon advancing sword in hand. They were checked, however, for a moment by the heavy discharge of grape and musketry to which they were now exposed, and, seeing that the Mackintoshes and other clans of their right had been repulsed and were retreating, they also began to fall back, without having suffered any very considerable loss. They were at first pursued by some English dragoons, who, however, were driven back by some Irish pickets in Charles's second line. What remained of his first line now formed into one line with the second, and they might still have renewed the fight, or perhaps effected an orderly retreat, but they were suddenly alarmed by a new danger on their right, where general Hawley with the Argyleshire highlanders had broken down the wall of the enclosure, killed all they found within, and made gaps in the wall on the other side, through which lord Ancram brought a strong body of English dragoons and formed on their flank. The highlanders, seeing the duke's army at the same time advancing upon them in front, now lost all hopes, and began to leave the field in separate parties, some with their chief and some without, until the flight became general. The violent partisans of prince Charles re-

present him as showing great magnanimity at this fatal moment, and as being with difficulty forced from the field by his friends; but we have lord Elcho's own authority, which there is no reason to discredit, for the contrary statement, that that nobleman rode up to the young pretender and implored him to make one desperate effort and lead a general charge in person as the only chance of retrieving the day, but that Charles turned pale and refused, and that lord Elcho called him an Italian coward and a scoundrel, and declared he would never serve him or speak to him again, a threat which he is said to have fulfilled. It is certain, however, that Charles fled precipitately from the field of battle, attended by a few of his favourites, and that he hardly stopped or looked back until he reached lord Lovat's house of Castle Dounie.

The other fugitives went off from the field of battle in two bodies, of which the larger party, consisting of the western highlanders, fled towards Badenoch, and made their escape without much loss. The others, comprising the Frasers, lord John Drummond's regiment, and the foreign pickets, made for Inverness, and were dreadfully slaughtered on the way by the duke of Cumberland's cavalry, who seldom gave quarter. The duke followed with the infantry, and when he came near to Inverness, he was met by a drummer, with a letter from the foreign officers, who offered to surrender. Their offer was accepted, and the duke sent a company of grenadiers to receive their arms and take possession of the town.

Such was the battle of Culloden, so disastrous to the cause of the Stuarts. When we consider all the circumstances, the highlanders did wonders, and their defeat did not disgrace them. It is difficult to ascertain the exact numbers, when intentional misstatements were constantly made on both sides, but the duke of Cumberland must have had from seven to eight thousand men, all fresh and in good condition, whereas the highlanders could not altogether have exceeded five thousand, and these were broken with fatigue and hunger. The loss of the highlanders is believed to have been from two thousand to two thousand five hundred men; as the slaughter took place chiefly in the pursuit, the loss of the royal army was, as might be expected, comparatively small—the official returns made it only three hun-

dred and ten killed, wounded, and missing. But the highlanders lost more in the quality of their men killed than in number. In the desperate attempt to break the duke's lines on the field of Culloden, almost every man of the highlanders' first ranks perished, and it is well known that the first rank always consisted of those who in the clan held the position of gentlemen. Many of the bravest of the chiefs were killed or desperately wounded. Maclauchlan, who commanded the two clans of Maclauchlan and Maclean, having fallen, Maclean of Drimnin succeeded him, and was bringing off the remains of the clans, when he learnt that two of his sons were killed, and that the third was missing. He was returning to seek for them, when he fell by a random shot. When the Macdonalds refused to advance, Keppoch, their chief, disdained to remain with them or retreat, but with his sword drawn and a pistol in the other hand he advanced towards the enemy, when a musket-ball brought him to the ground. A friend who had followed him, observed that his wound was not mortal, and implored him to retire while it was in his power. Keppoch begged him to take care of himself, and attempted to rise and proceed, but another shot dispatched him. Lochiel, the favourite of the highlanders, advanced at the head of his clan, and had fired his pistol, and was drawing his sword, when he was badly wounded in both his ankles and fell to the ground. Two of his kinsmen, who stood by him, laid hold of him as he fell, and carried him off the field to a place of concealment, until they could bear him away into the mountains.

Ruthven now became the rallying place of the highlanders, and on the 18th, when they were joined by Clunie and by some of the clans who had not reached Charles's army time enough to take part in the battle, they were nearly as numerous as at Culloden, and in better condition—a decisive proof of the wisdom of the advice given by the chiefs to their prince, to avoid the battle and fall back upon his friends in the mountains. Lord George Murray, who was at their head, dispatched a messenger to Charles, inviting him to return to them, and explaining to him his hopes and plans. But the prince, after his defeat, had sunk into a state of blind despondence, and his only thought was of escaping to France; and he returned a letter, coldly thanking the highlanders for their attachment, but desiring

them to provide for their own safety, until some more favourable opportunity should arrive. On receiving this message, the clans separated, and further attempt at resistance was given up. The clans who had remained neutral, now declared for the government, and the Grants and others went to join the duke, and became valuable auxiliaries in taking vengeance on the rebel clans. As soon as it was known that the gathering at Ruthven had failed, the Grants were sent to occupy the country of the Mackintoshes. General Mordaunt had been sent into the country of the Frasers, to destroy Castle Dounie and bring away all their cattle and provisions; but as reports were still circulated of new gatherings of the highlanders, which the duke could not venture to disbelieve, he kept his army together at Inverness, where multitudes of prisoners were brought daily, among whom was the earl of Kilmarnock. Many of these were shipped off immediately to England for trial. At this moment, two French frigates, with arms, ammunition, and money to the amount of forty thousand pounds, arrived in the part of the highlands in possession of Charles's friends, and a council of chiefs was held in the Isle of Mortlaig, where lord Lovat had been conveyed for secrecy; at this meeting were present Lochiel and his brother, Dr. Cameron, Cluny, Glengarry, Roy Stuart, Barrisdale, and some others, and it was resolved to call the highlanders together immediately. But it was now too late, and the chiefs, finding that the duke of Cumberland's disposition of his troops had made it impossible for them to act with any hope of success, sent counter-orders to their absent friends.

When Cumberland had convinced himself that no rising of any importance was to be expected, he commenced his march towards the north. A proclamation was issued at Montrose, on the 24th of February, commanding all persons who had been with the pretender to deliver up their arms, and give in their names to the nearest magistrates. As this proclamation was very imperfectly obeyed, if obeyed at all, another appeared on the 1st of May, requiring all magistrates and officers of justice to search for such as had been in arms against his majesty, and to seize their weapons. Soon after this, a regular cordon of troops was drawn round the rebel districts, and the king's troops and loyal highlanders were then let loose upon them, and they were for

some time wasted and ravaged in the most relentless manner. The castles and houses of the chiefs were first burnt to the ground, and then every house or cabin was doomed to the same destruction. The cattle, provisions, and movable property, were all swept away, and men, women, and children were slaughtered or died of want in great numbers, and underwent all the horrors of the most savage warfare. Such was the severity with which the duke of Cumberland followed out his plans of disabling the jacobite clans from further rebellion, that he obtained by it, even in England, where he was popular, the title of *the butcher*. Many of the noblemen and chiefs who had been with the pretender in this rebellion, contrived to effect their escape to the continent, but others were taken, and not a few of these suffered the utmost severity of the law. The earls of Kilmarnock and Balmerino were taken immediately after the battle of Culloden; and the marquis of Tullibardine, after an attempt to escape westward, was obliged to give himself up. The duke of Perth got on board a French ship, but died on his voyage. Lord Lovat was also traced to his hiding-place, and secured. All the prisoners of rank were sent to England, where the trials commenced in the middle of July. The English rebels were first tried and executed. On the 28th, Kilmarnock, Cromarty, and Balmerino, were brought to their trial in Westminster-hall, where the two first pleaded guilty, but Balmerino defended himself, and raised objections upon points of law. Sentence was pronounced on all three. Balmerino disdained to sue for mercy, but the other two expressed the greatest repentance for their crimes, pleaded their former loyalty, and supplicated for mercy. Cromarty alone was reprieved; the other two were executed on Tower-hill, on the 18th of August. Both died consistently with their previous conduct at their trials, Kilmarnock repentant, and Balmerino steady to the cause for which he suffered. Numerous other executions followed in London and Carlisle, chiefly of rebel officers. Among those who suffered at the latter place was Thomas Cappock, whom Charles had made bishop of that city. Lord Lovat, who was in his eightieth year, was impeached in December, and was brought to trial on the 9th of March, 1747. He defended himself with great talent and resolution, but the evidence of his treasons was too strong to be overcome, and he was found

guilty and sentence pronounced against him. Little sympathy could be expected for a man whose whole life had been one scene of crime and treachery; but from the time of his sentence to his death he behaved with

the greatest calm and decency, and apparently in sincere repentance for the past. He was beheaded on Tower-hill, on the 9th of April, and his body buried in the chapel in the Tower.

CHAPTER XI.

WANDERINGS AND ESCAPE OF THE YOUNG PRETENDER.

WHILE his friends were thus suffering for their devotion to his cause, Charles was for many weeks a houseless and proscribed wanderer in the wilds of the north, and his adventures formed the most romantic episode in this eventful history. The prince, who had never been within range of musketry at the battle, had fled from the field with a few horse, instead of accompanying the large body of highlanders, and he crossed the Nairn at the ford of Falie, three miles from the scene of the fight. Here he halted a moment, but exhibited the utmost despondence, and having dismissed all his companions, except a very small number of his favourites, such as Sheridan, Sullivan, and Hay, he continued his flight to lord Lovat's. There are different accounts of his reception by that nobleman, none of which are perhaps strictly correct, but it seems certain that he partook of some refreshments and rested awhile, and then, travelling during the night, proceeded to Glengarry castle, which he found stripped by its owners of everything, so that he was obliged to lie down on the bare floor, and all he could obtain to eat was a salmon which one of his attendants caught in the lake. Here he was obliged to diminish further the number of his companions, and retained only Sullivan, a priest named Macdonald, and Edward Burke, who acted as his guide. He next wandered through Lochiel's and Clanronald's countries, and the chief of the latter earnestly entreated him not to desert those who had risked everything for him, but to remain in Scotland till his adherents could be brought together again, undertaking to conceal him effectually in the woods until they could either retrieve their fortunes or procure a safe passage to the continent for him. But

Charles was anxious only to escape, and he insisted upon leaving the mainland and being carried to the isles, where he expected to find more easily some vessel to carry him to France. Charles and his small party were now obliged to abandon their horses, and he proceeded on foot through the mountains to Boradale, in Lochaber, the spot where nine months before he had first landed on Scottish ground. At twilight on the evening of the 26th of April, ten days after the battle, Charles went into a boat at Loch-nanuagh, but he was overtaken by a storm in the night, and in the morning the boatmen found that they had been driven to the small isle of Benbecula, one of the Hebrides. They took up their lodging in a deserted hut, in which they remained three days, the tempestuous weather at once confining them to the island and protecting them from pursuit.

On the evening of the 29th the weather became more calm, and they returned to their boat and made sail for Stornaway in the isle of Lewis, where they hoped to get a ship to convey the prince to France, but they encountered another storm in the night, which drove them to the little isle of Scalpay or Glass, near the isle of Harries. They were now among hostile clans, and to avoid suspicion they represented themselves as merchants shipwrecked on their way to the Orkneys, Charles passing as Sullivan's son, and both going by the name of Sinclair. They were hospitably entertained at a farmhouse, while Donald Macleod was dispatched to Stornaway to freight a vessel for the Orkneys, and Charles having received a message from him on the 3rd of May, that the ship was ready, crossed over in a boat to Loch-Sheffort, in Mackinnon's country, and travelled thence on foot, accompanied

only by Sullivan, O'Neil, and a guide. The night was wet and stormy, and they lost their way, so that after wandering till daylight amongst the hills, they only reached Arynish, half a mile from Stornaway, about noon on the 5th of May, and Charles sent his guide to Donald Macleod at Stornaway, desiring he would send brandy, bread, and cheese, for they were almost starved. The faithful Donald soon brought it himself to him and his two companions on the moor, all wet to the skin, and much wearied with their journey; and he took them to lady Kildun's (Mackenzie) at Arynish, to wait there till everything should be ready for setting sail. Being wearied, the prince went to sleep.

When Donald returned to Stornaway, he found the place filled with reports that the prince was somewhere in the island, and the people rising in arms to seize him. The alarm was so great, that of their four boatmen, two fled to the moor, and the others hurried to sea with the boat, but the latter returned about two o'clock in the morning of the next day (the 6th), and Charles and his companions, anxious to make their escape from the imminent danger, embarked with only two boatmen, as nothing could be heard of the others. It was his wish to try and reach the Orkneys, but the boatmen declared that with so frail a craft this was impossible, and refused to make the trial. Moreover, these seas were now covered with English vessels, large and small, on the look-out for fugitives, and they had not gone far before they came in sight of two ships which obliged them to seek concealment in the small desert isle of Euirn or Ifurt, a little to the north of Scalpay, where they feasted upon some dried fish left there by the fishermen of Lewis. They staid here till the 10th, lying in a wretched hut, which was so ill-covered that they were obliged to spread the boat's sail over the roof, and lie upon the bare floor, keeping watch by turns. About ten in the forenoon of the 10th of May, they embarked again, taking about two dozen of fish with them, and reached their hospitable farmer's in Scalpay in safety. They were obliged to row from Scalpay, as the wind was unfavourable; but about break of day on the 11th, the wind rising, they hoisted sail; soon after which, they were chased by an English ship, but made their escape among the rocks, at the point of Roudil, in the Harries, in Macleod's country. They

now kept close in shore, and sailed to Lochmaddy to the south of the Uist; but seeing a ship there also, they proceeded to Lochniskiway in Benbecula, and thence to an island in the loch called Loch-Scibert, where they arrived about four in the afternoon. It being low water, one of the boatmen went among the rocks and caught a partan (a crab-fish), which he held up in great joy, and Charles then took up a cog, or a wooden pail, and running to the boatman, assisted in the sport, and they soon filled the cog. They had to go two miles to seek a small hut, which was so low that they were obliged to creep into it upon their hands and knees. Charles was here visited by the laird of Clanronald, who furnished him and his small party with provisions and other comforts, and conveyed him for security to a hut in the forest sixteen miles farther into the country, in the mountain of Curradale or Coradale, in South Uist. Donald Macleod was sent in Campbell's boat to the mainland with letters to Lochiel and Murray, the secretary, to know how affairs stood; and he was to bring money and brandy back with him for the prince.

Donald met Lochiel and Murray at the head of Loch-Arkaig, but got no money, though he purchased with some difficulty two ankers of brandy, with which he returned to Charles at Coradale, after an absence of eighteen days. He found him now in a better hut, with two cow-hides placed upon sticks, to prevent the rain from falling upon him when asleep. Charles had passed his time in hunting, shooting, and fishing, and seemed to have forgotten his danger, when he was reminded of it by information that the militia had come to the island of Eriska, between the islands of Barra and South Uist, which was too near to be agreeable, and on the 14th of June he, with O'Neil, Sullivan, Edward Burke, and Donald Macleod, sailed from the foot of Coradale, in Campbell's boat, and landed in Ouia or Fovaya, a small island between South Uist and Benbecula, where they staid four nights. On the 18th, the prince, O'Neil, and a guide, went to Rossinish, and Sullivan and Macleod were left in Ouia. Here the prince staid two nights, and then received information that the militia were coming towards Benbecula; which made it necessary to get back again to the foot of Coradale. Perils now began to thicken around them, for the militia boats were watching the sea between Ouia and Rossinish. Mac-

leod and Sullivan hearing of this, set sail in the night, and brought Charles from Rosinish to Coradale again; but meeting with a violent storm and heavy rain, they were forced into Uishness point, two miles and a half north of Coradale, at a place called Achkirsideallich, a rock upon the shore, in a cleft of which they took up their quarters. This storm lasted a whole day; but at night, finding their enemies within two miles of them, they sailed again, and arrived safely at Celiestiella, from whence they steered towards Loch-Boisdale, but the appearance of a hostile boat, or at least the belief of the boatmen that they had seen one, made them put back to Celiestiella. There they remained that night, and next day got to Loch-Boisdale, where they were met with the disagreeable news that the laird of Boisdale was taken and a prisoner. As they had seen three sail within cannon-shot of the shore, they were obliged to return back again to Celiestiella.

Here Charles rested some days, but he soon became painfully aware of his desperate situation, for intelligence came that captain Scot had landed at Kilbride, within less than two miles of him. It was now necessary to diminish as much as possible the number of his attendants, and he was obliged to sink his boat, and to send away Sullivan, Donald Macleod, and his guide Burke, and all the boat's crew, keeping only O'Neil. They were to meet again at an appointed place, but Donald was soon after taken, and carried a prisoner to general Campbell; and Burke, who went over North Strand, to North Uist, remained there skulking in a hill called Eval, for near seven weeks; twenty days of which he had nothing to eat but dilse and lampocks (a kind of shell-fish.) After much distress, he was obliged at last to hide himself in a cave in North Uist, where he was fed by a shoemaker and his wife in the night, until he was set at liberty by the general act of grace, in 1747.

By this time, general Campbell, who had been as far as Kildare in search of the fugitive, and satisfied himself that he had not made his escape, suspecting that he might be lurking in the group of islands known popularly by the name of Long Island, but composed really of several separate isles, Barra, Benbecula, North Uist, Harries, and Lewis, determined to search these islands completely from north to south, and they were now occupied and surrounded by

his troops and ships, so that it was impossible for any one to pass backwards or forwards without a passport. Charles's position seemed at this moment hopeless, but he was released from it by the generous devotion of Flora Macdonald, a daughter of Macdonald of Milton, in the island of Uist, and a relative of the Clanronald family. Her father having died when she was an infant, her mother afterwards married Hugh Macdonald of Armidale, in the Isle of Skye, the eldest captain of the Macdonalds of that island, who was now in South Uist. Flora Macdonald was on a visit at her brother's at Milton, in South Uist, where O'Neil, who was slightly acquainted with her, informed her of Charles's perilous situation, and implored her assistance.

Having arranged her plan, Miss Flora went on Saturday, the 21st of June, to Clanronald's house, to get things necessary for the prince's disguise, &c. In going to cross one of the fords, she and her man, Neil Mackechan, were taken prisoners by a party of militia, because she had no passport. She demanded to see their officer; but being told he would not be there till next morning, she asked what his name was, and to her surprise learnt that he was her own father-in-law, upon which she said she would stay there all night, till his return next day, rather than answer their questions; so she was carried into the guard-room, and kept prisoner, till relieved by her father-in-law, who arrived in the forenoon of Sunday, June 22nd, and was not a little surprised to see Miss Flora in custody. She took him aside and told him what she was about, and desired a passport for herself, her man Mackechan, and for one Betty Burke, a woman who was a good spinner: and as her mother had a great quantity of linen to spin, she also desired a letter to recommend Betty Burke to her mother; Macdonald consented, gave the necessary passport, and wrote the following letter to his wife:—"I have sent your daughter from this country, lest she should be any way frightened with the troops lying here. She has got one Betty Burke, an Irish girl, who, as she tells me, is a good spinster. If her spinning pleases you, you may keep her till she spin all your lint; or, if you have any wool to spin, you may employ her. I have sent Neil Mackechan along with your daughter and Betty Burke to take care of them.—I am, your dutiful husband, HUGH MACDONALD. June 22nd, 1746." Flora

next proceeded to Clanronald's house, where she acquainted lady Clanronald with the design, who joined heartily in it. On Friday, the 27th of June, lady Clanronald, another Macdonald, Flora, and her man Mackechan, conducted by O'Neil, went to the prince, eight miles distant, carrying with them a dress for his disguise, and some things to serve him in his voyage. When they arrived, they found him in a little hut, roasting and dressing dinner, which consisted of the heart, liver, and kidneys of a sheep, upon a wooden spit. They remained all night, and next morning they heard of general Campbell's arrival at Benbecula; and soon after a servant came in a great hurry to lady Clanronald, to inform her that captain Ferguson with an advanced party of Campbell's men were at her house, and that the captain had slept in her bed the previous night. Upon this she returned immediately to her house, and Flora told Charles to prepare, for it was time to go. O'Neil begged to go with them, but he was assured that any addition to their number might attract observation and prove fatal, and he was obliged to remain behind. After their departure he met with Sullivan, who was still upon the island. About two days after, a French cutter, with a hundred and twenty men on board, put in at the isle of South Uist, intending to carry off the prince, who they had been informed was there, and Sullivan went immediately on board, while O'Neil went in search of the prince, but, during his absence, the appearance of some English vessels obliged the cutter to sail in great haste, and O'Neil, after seeking for the prince in vain, was himself made prisoner.

It appears that Charles had dressed in his new disguise as Betty Burke before lady Clanronald's departure, and now they removed with their crew to the water-side, where their boat was afloat, to be ready in case of any sudden attack from the shore. They arrived in a very wet condition, and made a fire upon a piece of rock, as well to dry as to keep themselves warm till night; but they had not been long here, when they were alarmed by four wherries, full of armed men, approaching towards the shore. They immediately extinguished their fire, and concealed themselves in the heather or ling; but their fears soon vanished, for the wherries sailed quietly by to the southward, within gunshot of them. On the 28th, about eight o'clock in the evening, they set out in very clear weather, but had

not been gone above a league, before the sea became rough, and at last tempestuous; and next morning, though it was clear and calm, the boatmen knew not where they were, the wind having varied several times in the night; however, they made a point of Waternish, in the west corner of Skye, where they soon tried to land, but found the place possessed by a body of forces, who had also three boats or yawls near the shore, and several men-of-war were in sight. A man on board of one of these boats fired at the boat to make them bring-to; but they rowed off, and would have been taken, had it not been providentially very calm, and the ships at some distance; while the militia on shore could not stir for want of the oars, that were hauled up and flung in the ling by their crew, who were scampering up and down. Flora and her charge reached in safety a creek or cliff in a rock, and there remained to rest the men, who had been all night at work, and to take some refreshment; and as soon as they could, they set forwards again, and at length landed safe at Kilbride in Trotternish, in the Isle of Skye, above twelve miles north from the above-mentioned point, and just at the foot of the garden of Mouggestot. In this neighbourhood there were several of the militia in search of the fugitive, whose commanding officer was at sir Alexander Macdonald's, the very house to which Miss Flora was going, though she did not know the officer was there until they landed. She left Charles at the boat, and went with her man to Mouggestot, the seat of sir Alexander Macdonald; but he was not at home, being then with the duke of Cumberland. On leaving this, she sent into the room to lady Margaret (sir Alexander's lady) to let her know she was come, having before apprised her of her errand, by one Mrs. Macdonald. Flora was at once introduced into the room where the company were, amongst whom was the commanding officer of the forces in that neighbourhood, who after some time asked Miss "Whence she came? which route she was going? and what news she heard?" &c. All which she answered as she thought proper, and very readily, so that he had not the least suspicion at that time of what she was about, especially as he saw when she went away, that she had only one servant with her, who, he was sure, could not be the prince.

Miss Macdonald having told lady Margaret where she had left the prince, and the

situation he was in, her ladyship, at a loss how to act in so critical a conjuncture, sent off directly an express to Donald Roy Macdonald (brother to Balshar in North Uist, who was at a surgeon's house, about two miles off, under cure of a wound he had received through his foot at the battle of Culloden), requiring his immediate attendance. Her ladyship applied, in the meantime, to Mr. Macdonald of Kingsborough, a relation of sir Alexander's and his factor, who happened to be then in the house, and was walking in close conference with him when Donald arrived. It was then agreed that the prince should be conducted that night to Port-ree, or King's-port, about seven miles from Kingsborough, by the way of that house; that Donald Roy should ride directly to Port-ree, and endeavour to find out the old laird of Rasay, to whose care the prince was to be entrusted; and that Neil Mackechan should return immediately to the prince upon the shore, inform him of the scheme concerted for his preservation, and direct him to the back of a certain hill, about a mile distant, where he was to wait for Kingsborough to be his conductor. Kingsborough, taking some wine and other refreshments, set out soon after for the place appointed, where he found Charles, and, after doing justice to the refreshments, they proceeded together.

When Flora thought the prince and Kingsborough had got some distance, she made a motion to go, and ordered her horses out directly; but lady Margaret pressed her strongly before the officer to stay, telling her at the same time that she (Miss Flora) had promised to stay the next time she came, when she was last there: but Miss begged her ladyship to excuse her, "because," she said, "I have been some time away, and my mother is not very well, and entirely alone in these troublesome times." At last lady Margaret excused her, but only on renewing her promise to make amends the next time she went thither; with which Miss very willingly complied. Everything being ready, Miss Flora and her man, Mrs. Macdonald afore-mentioned, and her man and maid, all set forwards. They had not gone far before they overtook the prince and Kingsborough. It was necessary from time to time to give Charles a lesson in his new character.

In wading a rivulet, the prince lifted his petticoats so high, that Neil Mackechan called to him for God's sake to take care, or

he would discover himself. The prince laughed heartily, and thanked him for his kind concern. Mrs. Macdonald's maid could not keep her eyes off the prince, and said to Miss Flora, "I think I ne'er saw sic an impudent-looking woman as Kingsborough is a-walking with; I dare say she is an Irishwoman, or a man in woman's claes." Miss Macdonald replied she was an Irishwoman, for she knew her and had seen her before. "Bless me," quoth the maid, "what lang strides the jade takes, and how awkwardly she warks her petticoats. I believe those Irishwomen could fecht as well as the men." Miss Macdonald not liking the maid's observations, and knowing they were near the place where the prince and Kingsborough were to turn out of the common road, and that it was not proper to let Mrs. Macdonald's man and maid-servant see which route they and Kingsborough would take, called out to Mrs. Macdonald to ride faster; "for," says she, "we shall be late out:" this was complied with, and they soon lost sight of the two on foot, who presently after turned out of the common road to avoid the militia, and went over the hill, till they arrived at Kingsborough's house, at about eleven o'clock at night, on Sunday, June the 29th. They were in a very wet condition, having walked seven long miles in almost constant rain. Miss Macdonald arrived about the same time, along the highway, having parted with Mrs. Macdonald, her man and maid-servant. Lady Kingsborough, not expecting her husband home at that time of night, was undressed, and just going into bed, when one of her maid-servants went up and told her that her husband was returned, and had brought some company with him. "What company?" says Mrs. Macdonald. "Milton's daughter, I believe," says the maid, "and some company with her." "Milton's daughter," replied Mrs. Macdonald, "is very welcome here, with any company she pleases to bring; but make my compliments to her, and tell her to be free with anything in the house, for I am sleepy and undressed, so I cannot see her to-night." In a short time Kingsborough's daughter went up in as great hurry as surprise, crying out, "Mamma, mamma, my father has brought hither a very odd, muckle, ill-shaken-up wife, as ever I saw; nay, and has taken her into the hall too." She had scarce said this before Kingsborough himself entered the room, and desired his wife to dress again as

fast as she could, and get such meat as they had ready for supper. "Who have you with you?" says Mrs. Macdonald. "You shall know that," replied he, "in good time, only make haste." Mrs. Macdonald then desired her daughter to go and fetch the keys which she had left in the hall. The girl went, and soon ran back again in a great hurry, and said, "Mamma, mamma, I canna gang in for the keys; because the muckle woman is a-walken up and down the hall, and I am afraid o' her." Mrs. Macdonald then went herself, but was so frightened, as she said, "at seeing sic a muckle trollop o' a carlin' mak sic lang strides through the hall, that she did not like her appearance;" so she desired her husband to fetch the keys, but he would not; so she was obliged at last to go herself. When she went into the room, the prince was sitting, but got up immediately and saluted her. Mrs. Macdonald then began to tremble; having perceived a rough beard, she imagined it was some distressed nobleman or gentleman in disguise, but never dreamt it was the prince. She therefore went directly out of the room, with the keys in her hand, to her husband, without saying one word to the prince, and greatly importuned Kingsborough to tell her who it was; and if he (meaning the person in disguise) could tell anything of what was become of the prince. Kingsborough smiled at her naming the beard, and told her, "My dear, it is the prince." "The prince!" cried she, "then we are a' ruined; we will a' be hanged now." "Hut!" cried he, "we will die but once, and if we are hanged for this, we die in a good cause, doing only an act of humanity and charity. But go make haste with supper; bring us eggs, butter, cheese, and whatever else is ready." "Eggs, butter, and cheese!" quoth she; "what a supper is that for a prince?" "Oh, wife!" replied he, "you little know how this good prince has lived of late; this will be a feast to him: besides, to make a formal supper, would make the servants suspect something; the less ceremony, therefore, the better." Charles eat a very hearty supper, and soon went to bed. He slept soundly during the night, and next morning, having received information that his disguise was known, he resumed male apparel, and set out for Port-ree, in company with Neil Mackechan and Kingsborough's herdboy, who served for a guide. From Port-ree, where Charles saw Flora Macdonald for

the last time, he passed over to the Isle of Rasay.

On the 3rd of July, Charles and his companions put to sea in a small boat, about seven o'clock in the evening, and after a rough passage, landed about eleven o'clock at night at a place in the island of Skye, called Nicholson's Great Rock, near Scorobreck in Trotternish, when they travelled to a byre (cow-house) about two miles from Scorobreck, where they took up their quarters. Charles, with Malcolm Macleod as his only companion, staid here twenty hours, without any kind of refreshment, not even so much as a fire to dry their clothes with.

On the 4th, about seven o'clock in the evening, they left the byre, and walked on about a mile without speaking one word; at last captain Macleod said, he hoped he would forgive him for asking where he intended to go. Charles answered, "I commit myself entirely to you; carry me to Mackinnon's bounds in Skye." They then changed clothes, the captain passing for the master, and the prince for the man, who, whenever they saw any person, or came near any village, always carried their little baggage, which consisted of two shirts, one pair of stockings, one pair of brogues, a bottle of brandy, some mouldy scraps of bread and cheese, and a stone bottle of water, which held three English pints; and at those times whenever he spoke to the captain, or the captain to him, he always pulled off his bonnet. They marched all night through miserable ways, over hills, wild moors, and glens, without halting, till they arrived at Ellagol, or rather Ellighill, near to Kilmaree, or Kilvory in Strath, in the laird of Mackinnon's country, and not far from where that laird lived, having walked twenty-four miles.

As they approached near Strath, in Mackinnon's country, Macleod suggested that as Charles was now coming to a country where he would be easily known, as Mackinnon's men had been out in his service, he must be more disguised; upon which the prince put his wig into his pocket, tied a dirty handkerchief about his head, and pulled his bonnet over it, a precaution which they soon found necessary. Soon afterwards, Malcolm told the prince that he had near there a sister married to one John Mackinnon, and recommended him to sit down at a little distance from the house, whilst he went in to learn if any of

their enemies were in that neighbourhood, and whether he (Malcolm) could be safe there with her; as the prince was to pass as his servant, Lewis Caw. Malcolm found his sister at home, but not her husband; after usual compliments at meeting, he told her, "that he was come to stay some little time there, provided there was no party of the military people about them, and that he could be safe." She said "he might;" and then he told her, "he had no person with him, except one Lewis Caw (son of Mr. Caw, surgeon in Crieff), who had been out in the last affair, and consequently in the same situation with himself; and that he was to pass as Malcolm's servant." She very readily agreed to take him, and Lewis (the prince) was called into the house. When Lewis entered the house with the baggage on his back and the napkin on his head, he took off his bonnet, made a low bow, and sat at a distance from his master; but the captain's sister could not help looking at him, observing something very uncommon about him. The captain then desired his sister to give them some provisions, for he was almost famished with hunger: the provisions were soon set out, and the captain called to poor sick Lewis to draw near and eat with him, as there was no company in the house. Lewis seemed very backward, alleging, "he knew better manners;" but his master ordering him again, he obeyed, and drew nearer, but still kept off his bonnet. After having got some refreshment, the captain desired the maid-servant to wash his feet, which being done, he desired her then to wash his man's (for the prince had "slumped" to the middle in a bog, whence Malcolm had had difficulty to pull him out), but she replied, "that though she had washed his, yet she would not wash that loon his servant's." But the captain told her, "his servant was not well, and therefore he would have her to do it." She then complied unwillingly, and rubbed his feet so hard that she hurt him. Soon afterwards, Malcolm Macleod hearing his brother-in-law was coming, went out to meet him. After the usual ceremonies, Malcolm asked him, "if he saw those ships of war (pointing to them) that were at a distance hovering about the coast?" "Yes," said Mackinnon. "What," says Malcolm, "if the prince be on board one of them?" "God forbid," replied Mackinnon. "What," said Malcolm, "if he were here, John; do you think he would be safe enough?" "I wish

we had him here," replied John, "for he would be safe enough; for nothing would hurt him here." "Well, then," replied Malcolm, "he is now in your house; but when you go in you must not take any notice of him, lest the servants or others observe you; for he passes for one Lewis Caw, my servant."

A boat was now provided to carry Charles to the mainland, but just as, in company with the old laird of Mackinnon, lady Mackinnon, and one or two others, he was going to embark, they espied two men-of-war coming towards them in full sail before the wind; and they were again obliged to conceal themselves. They all dined together in a cave, and Charles did not enter the boat till late in the evening, and after a tempestuous voyage, the prince and his company landed safe about four o'clock next morning on the south side of Loch-Nevis, near Little Malloch, where they lay three nights in the open fields. The fourth day, old Mackinnon and one of the boatmen having gone to seek a cave to lie in, the prince, with John and the other three, took to the boat, and rowed up Loch-Nevis, along the coast. As they doubled a point, they were hotly pursued by five men with red crosses on their bonnets (a badge worn by the highland militia), whose summons to come ashore John had not thought fit to obey; on the contrary, by his words and example, he so animated the three rowers, that they soon out-rowed their pursuers, turned another point, and stood in to the shore. The prince then sprung out of the boat, and, attended by John and another, mounted nimbly to the top of the hill; from whence they beheld the boat with the red crosses returning from their fruitless pursuit. On this eminence the prince slept three hours; and then returning down the hill, re-embarked, and crossed the loch to a little island about a mile from Scotus's house. They soon after repassed the loch, and landed at Malloch, where, having refreshed themselves, and met again with old Mackinnon and his servant, they set out for Macdonald of Morar's, about seven or eight miles distant. As they passed a "shealing," they spied some people on the road. Whereupon the prince made John Mackinnon fold his plaid for him, and throw it over his shoulder, with his knapsack upon it, tying a handkerchief about his head the better to disguise himself, thus once more assuming the character of a servant. After receiving

a draught of milk from Archibald Macdonald, grandson of Macdonald of Scotus, they pursued their journey and came to another shealing, where they procured a guide to Morar's bothy or hut, his house having lately been burnt. Morar receiving his guests as well as his situation would permit, conducted them to a cave, where they slept ten hours, during which time he went in quest of young Clanronald. As the young chief was not to be found, Charles took his leave of old Mackinnon and Morar, and in the evening set out with John, and only a boy, a son of Morar's, and a guide, for Boradale. Here they arrived before day, found the house burnt, and Boradale himself at a bothy hard by, to whose charge John committed the prince.

From Boradale's hut the prince sent for Glenaladale, a Macdonald of Clanronald's family. This gentleman arrived about the 15th of July, brought the prince intelligence of Lochiel and other friends, and assured him that the loss at Culloden, and after the battle, was not so great as Sullivan and O'Neill had told him. The prince then proposed to go to Lochaber, where he believed Lochiel was. He therefore continued some days in Boradale, till he heard of general Campbell's arrival with four hundred men on one side of him, and of captain Caroline Scot's with five hundred on the other, and that, having received intelligence of his hiding-place, they were forming a circle round him not above two miles distant. Under these circumstances Charles was advised to get, if possible, to the braes of Glenmoriston, where, and in Lovat's country, he might skulk till the passes should be opened. Donald Cameron of Glenpean consented to be his guide, and in the night conducted him safe through the guards who were in the pass; being obliged to creep upon all-fours so close to the tents, that they heard the soldiers talking to one another, and saw them walking between them and the fires. At the same time there went with the prince, Glenaladale, his brother, and two young boys, sons of Angus Macdonald of Boradale. In passing over the top of a mountain called Drymchosey, there happened to be a small rivulet issuing out of the precipice, and gliding over it, which made the darksome, steep, and pathless descent very slippery, being a mixture of grass and heath. The prince slipt a foot, and would unavoidably have been dashed to pieces before he could

have reached the bottom of the precipice, it being so very steep, had not Donald Cameron, being foremost as guide, caught hold of one of his arms, which he did only with one hand, being obliged to hold fast by the heath with the other, to preserve the prince and himself from tumbling headlong down together; and to cry aloud to Glenaladale to hasten down to their relief, which he instantly did, and got hold of the prince's other arm, and so recovered him immediately. Their difficulties increased at every step, for now they had to pass through the line of little camps, twenty-seven in number, called the "chain," which was so formed as to enclose the ground on the land side, where the prince was then known or believed to be concealed. When they came near to this military chain, which they could well spy at a distance by the fires, the night being very dark, Donald Cameron wisely proposed to pass through alone, and return again; "which," said he, "if I do with safety, then your highness may venture, I hope in God, to follow me the second time:" all which was accordingly most happily accomplished in the face of their enemies. During the time that honest Donald was meditating how to conduct the prince across the encircling chain, he would fall a-rubbing of his nose, and say to the prince, "O, sir! my nose is yuiking, which is a sign to me that we have great hazards and dangers to go through." After passing the wakeful guards, the prince made up to him, and pleasantly said, "Well, Donald, how does your nose now?" "It is better now," said he; "but it still yuiks a little." "Ay, Donald," replied the prince, "have we still more guards to go through?" Upon crossing the line, they were obliged to walk along, and not very far from it, in order to get at the place they intended. Betwixt two and three o'clock in the morning, July 21st, they came to a place near the head of Loch-Uirn, called Corriscorridill, where choosing a fastness, they took such refreshment as the exigency of the case could afford; the prince covering a slice of cheese with oatmeal, which, though but dry fare, he ate very heartily, and drank of the cold stream. They passed the day in this place till about eight at night, and the guide, Donald Cameron, knowing the way no further in the course the prince intended to hold, hoped to find some people thereabouts he could trust. Glenaladale and Donald therefore began to look about, in

order to find some such trusty folks ; but no sooner had they stepped a little from their concealment, than they found, to their no small astonishment, that they had lodged all day within cannon-shot of two small camps of the chain, and spied some soldiers gathering a few sheep together for slaughter, and so very near them, that they were forced to fall flat on their breasts, and crawl back on all-fours to the prince, to warn him of his danger, and the narrow escape he had had.

As the prince continued his progress, attended only by Glenaladale, they got safe into Glenmoriston about the 24th ; but were almost dead with hunger, having been forty-eight hours without meat, when Charles saw a little hut at a distance, and some smoke issuing out of the hole in the roof—"Thither" (says he) "will I go, let the consequence be what it may ; for I had better be killed like a man, than starved like a fool." His friend did all in his power to dissuade him from it ; but he would go. When they came to the hut, the prince went boldly in, and found six stout lusty fellows at dinner, upon a large piece of boiled beef ; a sight he had been long a stranger to. The men were six noted thieves, who had made their hut in that place for privacy and safety, and were not a little amazed at seeing a strange face entering there. One of them knew the prince, and also knew he was skulking ; but he, not thinking it safe to tell the rest of the company who their guest was, had the presence of mind, upon seeing the prince, to cry out, "Ha ! Dougal M'Cullony, I am glad to see thee." Charles, by this expression, found he was known, and, with equal steadiness of countenance, thanked him cheerfully, sat down with them, ate very heartily, and was very merry. The prince, his friend, and the man who knew the prince, walked out after dinner, and consulted what further was to be done ; and being informed of the state of the country about, and of the military dispositions, found it absolutely necessary to wait here for some time, and that the other five men must be intrusted with the secret ; which being done, they all rejoiced that they had it in their power to serve the prince. They conducted him to a natural cave, called Cairagoth, and in this grotto made up a bed for him of fern and tops of heath. A fine stream glided by his homely bedside within the cave, which was capacious enough to hold beds for them all. In this romantic

habitation the prince remained three days ; at the end of which he was so well refreshed, that he declared himself capable of encountering further hardships. They then removed two miles, to a place called Corieyeroch, where they took up their habitation in a natural grotto, no less romantic than the former. Regularly every day they mounted guard upon the prince, placed their sentry-posts at the head and foot of the glen, and had a foraging party of two to fetch provisions in their own cautious way. With Glenaladale and these men, the prince continued between the braes of Glenmoriston and Glen-strathferrar, till the guards were removed, and the passes opened.

About this time (the middle of July) one Roderick Mackenzie, a merchant of Edinburgh, who had been out with the prince, was skulking among the hills about Glenmoriston, when some of the soldiers met with him ; and as he was about the prince's size and age, and not much unlike him in the face, they took him for the prince, and killed him, and, as his dying expressions confirmed them in this mistake, they cut off his head, and carried it to Fort Augustus to claim the reward. The soldiers and militia sent out to take the prince and his adherents, now imagining that he was killed, began to be less strict in their watch, which gave the fugitives greater facility of moving about. Towards the beginning of August Charles went with his new retinue into Lochaber, to Achnasual, two miles from Achnacarie, the residence of Lochiel. They brought no provisions with them, expecting to be supplied in that country, where there used to be greater plenty than whence they had come ; but they were greatly disappointed, finding all the country plundered and burnt, and no cattle or any other sort of provisions to be got. In this distress they remained some time, when at last one of the Glenmoriston men spied a hart, and shot her ; on which they lived, without bread or salt. The next day, the prince being informed that Macdonald of Lochgarry, Cameron of Cluns, and Cameron of Lochnasual, were in the neighbouring mountains, sent after them, and at the same time sent Peter Grant (the most active of the Glenmoriston men) to Lochiel, who was then about twenty miles off, to let him know where he was. Before the prince sent to him, Lochiel had heard also that it was supposed the prince was in the country,

and sent his brother, Dr. Cameron, and the Rev. John Cameron, by different roads, to get intelligence of him.

The person sent to Lochiel, met Dr. Cameron within a few miles of the place where Lochiel was, who was obliged to return to Lochiel with two French officers he had met with, and who were in quest of the prince also. Next day Lochiel sent Dr. Cameron with four servants to the prince, and they crossed the river, and went to the hut where he was, which was built on purpose in a wood betwixt Achnasual and the end of Loch-Arkaig. The prince, and Cameron of Achnasual, upon seeing the doctor and his brother at a distance, and not then knowing who they were, had left the hut and gone a little from it; but being soon informed who they were, immediately returned to a joyful meeting, and then learnt that Lochiel was well, and recovered of his wounds. The prince was at this time barefooted, had a long beard, a dirty shirt, an old black kilt coat, a plaid, and a philibeg, a gun in his hand, and a pistol and dirk by his side; he was very cheerful, and in good health. They had killed a cow the day before, and the servants were roasting part of it. At dinner the prince ate heartily, and there was some bread which they had procured from Fort Augustus.

The prince proposed going immediately to Lochiel; but understanding there was a rumour of his having passed Corryarack with Lochiel and thirty men, which might probably occasion a search in those parts, he resolved to stay some time longer where he was. Soon after he dispatched Glenaladale to look out for ships on the west coast; and dismissed the Glenmoriston men, having no further occasion for their service.

In this neighbourhood Charles continued moving from one hut to another till about the 28th of August; the sons of Cameron of Cluns, Mr. John Cameron, an itinerant preacher stationed at Fort William, who had joined the prince's army, and Captain Macraw, of Glengarry's regiment, being his chief attendants. As they were one day in the hut which Cluns had built for his family (after his house was burnt), information was brought that a party of soldiers were advancing. They proved eventually to be only a party sent to bring in provisions for the garrison. But Cluns and his family had made preparations for defence and escape, and Charles left the hut, and they

proceeded to a small hill above the wood, whence they had a commanding prospect of Glenkengie, which they reached unobserved, under cover of the wood; but Charles resolved that night to go to the top of Mullanagart, a high, steep, and craggy mountain in the braes of Glenkengie. The prince and his party remained all day on the top of the mountain without any food. In the evening another son of Cluns' came, and told them that his father would meet them at a certain place in the hills somewhat distant, with provisions. Cluns' son returned to let his father know that he might expect them. At night, Charles with his attendants set out, and travelled amongst rocks and stumps of trees, which tore their clothes and limbs: at one time the guides proposed they should halt and stay all night; but Charles, though exhausted to the greatest degree, insisted on going to meet Cluns. At last, worn out with fatigue and want of food, he was not able to go on without help; and the two guides holding each of them one of his arms, supported him through the last part of his laborious journey. When they came to the place appointed, they found Cluns and his son, who had a cow killed, and part of it dressed for them. From this place they went to the braes of Achnacary, and waded through the water of Arkey, which reached up to the mid-thigh; in which wet condition the prince lay all night and next day, in the open air, yet caught no cold.

In a day or two, Lochgarry and Dr. Cameron having returned from Lochiel, the next night Charles set out with Lochgarry, Dr. Cameron, Alexander (Cluns' son), the Rev. John Cameron, and three servants, and travelled in the night and slept all the day, till they found Lochiel, who was then among the hills between the braes of Badenoch and Athol.

The danger of discovery was now considerably lessened, but it was still necessary to keep close. Charles's place of concealment was a romantic habitation made for him in the face of a very rough, high, and rocky mountain, called Letternilichk, a remote place in the great mountain Benalder, full of great stones and crevices, and some scattered wood interspersed. This habitation, called the Cage, was in the face of that mountain, within a small thick bush of wood. There were first some rows of trees laid down, in order to level a floor for the habitation; and as the

place was steep, this raised the lower side to an equal height with the other; and these trees, in the way of joists or planks, were levelled with earth and gravel. There were betwixt the trees, growing naturally on their own roots, some stakes fixed in the earth, which, with the trees, were interwoven with ropes, made of heath and birch-twigs, up to the top of the Cage, it being of a round or rather oval shape; and the whole thatched and covered over with fog (moss.) This whole fabric hung, as it were, by a large tree, which reclined from the one end all along the roof to the other, and which gave it the name of the Cage, and by chance there happened to be two stones at a small distance from one another, in the side next the precipice, resembling the pillars of a chimney, where the fire was placed. The smoke had its vent out here, all along the face of the rock, which was so much of the same colour, that one could discover no difference in the clearest day. The Cage was only large enough to contain six or seven persons; four of whom were frequently employed in playing at cards, one idly looking on, one baking, and another firing bread and cooking. Here Charles remained till the 13th of September.

About the 12th, Dr. Cameron had been sent southward, to try and hire a ship to carry them off from the eastern coast; in which he succeeded; but before his return, two friends arrived with the welcome intelligence that two French ships were on the look-out for him at Moidart. Charles set out the same night, and reached Moidart on the 19th of September, and, with about

a hundred of his adherents, including Lochiel, Roy Stuart, and Lochgarry, embarked next day, and reached the coast of France in safety on the 29th of the same month.

The history of Charles Edward Stuart, after his return to France, is devoid of interest. He was treated with respect at the French court, until the king of France, by the treaty of Aix-la-Chapelle, disowned all rivals of the house of Hanover. Charles protested against this treaty, and set the French court at defiance, and he was in consequence turned out of France very unceremoniously. During the rest of his life he resided principally in Italy, where he gave himself up to drunkenness and debauchery, and sank into the lowest degree of degradation of character. His father, the chevalier de St. George, died in 1766. Prince Charles had before this twice secretly visited England; in 1750, when he renounced popery, and in 1760, when he witnessed the coronation of George III. In 1772, he married the princess Louisa Maximilia de Stolberg, with whom he lived unhappily. He died from the effects of continual dissipation, in 1788. His younger brother, Henry, nominal duke of York, but better known as the cardinal de Yorke, which rank he held in the catholic church, having lost all his revenues by the consequences of the French revolution, lived on the generosity of George III., who allowed him four thousand pounds a-year, and died at the advanced age of eighty-three, in June, 1815, and with him expired the royal race of Stuarts.

CHAPTER XII.

SCOTLAND AFTER THE REBELLION; JUDICIAL REFORM; GENERAL IMPROVEMENT; RESTORATION OF THE FORFEITED ESTATES.

ALTHOUGH, no doubt, the suppression of the rebellion of 1745 produced a great amount of present misery and suffering, its final effects were in the highest degree beneficial to Scotland. A very large portion of the highland territory became forfeited by the treason of its owners, and all these forfeited estates were by act of parliament vested in the king, the produce to be applied to the

public use. The opportunity was now seized of effecting an extensive change in the condition of the population of the north, and abolishing the various antiquated customs which had so long stood in the way of improvement. Most of the old feudal tenures were entirely done away with, and the act for disarming the highlanders was now at last rigidly enforced. This was a neces-

sary step towards the abolition of hereditary jurisdictions which followed. The parliamentary resentment against the highlanders ran so high, that another bill was passed, prohibiting, under severe penalties, the use of the highland dress, but this was never strictly carried into effect, and the costume of the highlander has outlived the proscription.

A way was thus cleared for the introduction of the important measure of abolishing the vassalage of servants, and the hereditary jurisdictions. In the course of the session of parliament of 1746, two orders were issued to the court of session, one to prepare the draught of a bill for remedying the inconveniences arising from the several kinds of jurisdictions in Scotland, and for the regular administration of justice there; and the other to inquire what regalities and hereditary sheriffships subsisted there, and what persons were in possession of them; which of these regalities were granted before the act of James II. of Scotland, which annexed to the crown all the regalities in the king's hand, and which of those that had been granted since had been given by consent of parliament. The court of session accordingly took the matter into deliberation, and reported that they did not consider it possible to provide effectually for the regular administration of justice by the king's courts, without taking away various hereditary jurisdictions, which were secured by the articles of the union as rights of property, and therefore ought not to be taken away without due compensation; on account of which they required to be assured that such compensation would be granted before they would undertake to make a draught of a bill, but they offered certain suggestions on the subject. They stated that the original cause of lodging these high jurisdictions in powerful families belonged to a period when the country was so uncivilised, that the crown experienced the greatest difficulty in enforcing the laws and bringing offenders to justice, and was glad to commit the execution of laws to those who were able to enforce them. The highlands had always been and still continued in such a state that no process of law could have free course, and it was necessary to bring the country into subjection to the laws before they could entertain any hope of seeing there a regular administration of justice by the king's courts and judges. If this were first effected, they proposed that

circuit courts should be held once a year at Glasgow, Stirling, Perth, Aberdeen, and Inverness, to which offenders from the highlands and other parts might be brought; and that trial for all crimes inferring loss of limb should be confined to the court of justiciary at Edinburgh, or to the judges in these circuits, leaving the escheats resulting from the convictions to the lords of the respective jurisdictions; that trials for lesser offences should remain with the sheriffs, or, if they were allowed still to try criminal cases, that their judgments should be reported, with a full copy of the trial, to the justice court for approval or commutation; that the sheriffs' court should still have the power of deciding in cases of debt not exceeding two hundred marks Scots, and the jurisdictions possessed by the baronial or bailie court with regard to small debts, trespasses, and petty offences, should be reserved to them; and that the sheriffs and stewards should be appointed responsibly, and have a reasonable salary, instead of having as fees a per centage upon the money decreed for. They stated that, with regard to existing jurisdictions, they found it impossible to make any satisfactory report on account of the confused state of the public records in the record-office.

An act founded upon these suggestions was brought into the house of commons on the 28th of February, 1747. It abolished, after the 20th of March, 1748, all the hereditary jurisdictions of justiciary, regalities, baileries, constabularies (except the office of high-constable of Scotland), sheriffships, deputies, &c., and transferred their powers to the king's courts. A reasonable satisfaction was to be given to the proprietors of these jurisdictions, after their several claims had been examined and settled by the court of session. The baronial jurisdictions which were reserved from the effects of this act, were restricted to assaults, batteries, and lesser crimes, for which the punishment should not exceed a fine of twenty pounds sterling, or three hours in the stocks in the daytime, or a month's imprisonment in case of failure of the payment of the fine. All private dungeons were abolished, and no person was in future to be confined in any place but such as had grates or windows, was entered on the sheriffs' books, and was open to the inspection of the friends of the prisoner. One sheriff-depute, who must be an advocate of not less than three years' standing, was to be appointed for each shire,

by a warrant under the royal sign-manual, during pleasure, for the seven current years, but afterwards *ad vitam aut culpam*; that is, removable only for fault or incapacity, being liable to a summary trial before the court of session for gross misbehaviour or neglect of duty, at the suit of the king's advocate, or of any four or more freeholders entitled to vote in elections. These sheriff-deputes were to have competent salaries, and be allowed to appoint one or more substitutes. The fines and penalties imposed in these courts, which had been a fertile source of extortion and oppression, were abolished.

This act met with violent opposition. Many of the landlords were unwilling to relinquish their power, and they resisted what they called an arbitrary violation of their rights, and what they represented as a breach of the articles of the union. They urged, moreover, that this measure threatened the destruction of the people's liberties, by throwing so much weight of patronage and influence into the hands of the crown. The reply to these objections was an easy one—that in cases like this, private interests must yield to the public good; and of the public good of this measure no one could really be doubtful. It was shown that not only was this act not contrary to the articles of the union, but that it was a case especially provided for by a clause in those articles which stipulated that “no alteration should be made in the laws which concerned private right, except for the evident utility of the subjects, within Scotland.” It was argued, in reply to the other objection, that instead of there being an attack upon the liberties of the people, the crown was interfering to rescue the people from tyranny and oppression, and that the king was uniting with the people to uphold regular government against anarchy. As a proof of this, it was asserted, that in no country in Europe did the people ever attain to any considerable degree of wealth or freedom, until they had been emancipated from such feudal jurisdictions, and until the powers of the great feudal lords were all broken and absorbed in the crown. After long debates, the bill passed the house of commons by a large majority, to meet with new opposition in the lords, where a protest against it was signed by ten peers, and it was remarked as somewhat singular that not one of them was a Scotchman. The sum voted by way of compensation amounted to £152,037 12s. 2d.

Having secured this important act, which the broken condition of the jacobite clans rendered it more easy at this moment to carry out, government proceeded to act with leniency, and to do what it could to salve the sores which had been left by the late rebellion. The parliament passed an act of free pardon for all treasonable or seditious offences committed before the 15th of June. The exceptions to this pardon were—all persons then in the service of the pretender, or in those of France and Spain who had entered after the respective declarations of war; all engaged in the late rebellion who had been beyond seas at any time between the 20th of July, 1745, and the 15th of June, 1747; all attainted or convicted before the latter period; and eighty-five individuals by name, with the clan Macgregor. The royal assent was given to this bill on the 17th of June, by the king in person, who, in a very complimentary speech, prorogued the parliament, preparatory to its dissolution by proclamation next day.

Meanwhile a number of irregularities and anomalies in the internal affairs of Scotland had arisen during the rebellion, and some of them required the interference of the crown to set them right. Among these, one of the most remarkable cases was that of the city of Edinburgh, where the election of municipal officers can only take place legally at Michaelmas. At the Michaelmas of 1745, the capital was in possession of the rebels, and as the legitimate authorities had fled, the day was allowed to pass over without any election. The consequence was, that the city of Edinburgh remained without any municipal government, until, at the usual period of elections in the year following (1746), the burgesses of Edinburgh appointed a committee of their number, who made an application to the king, the result of which appeared in an order of council for a poll election. Each burgess was to give in a list of those he wished to be appointed to fill the different offices to the town-clerk, who were appointed to conduct the business under the superintendence of three judges of the court of session. The polling began on the 24th of November, 1746, and continued to the 26th. A municipal magistracy of true whig principles was elected; while George Drummond, who had performed such an active part in the event in Edinburgh which preceded the occupation of the capital by the rebels, was chosen provost. The choice was approved by the

king, and the new magistrates entered upon their duty on the 3rd of January, 1747.

While Drummond was thus rewarded for his somewhat ostentatious loyalty, his rival, Stuart, had fallen into disgrace for the manner in which he had neglected and abandoned the defence of the capital. When he arrived in London in the November of 1745, he was immediately placed under arrest, and, after undergoing an examination before the privy council, he was committed a prisoner to the Tower. He remained there till the 23rd of January, when he was admitted to bail upon a recognisance to the amount of fifteen thousand pounds sterling, to appear in March before the court of justiciary in Edinburgh. The trial was adjourned from time to time until the 6th of August, when it was entered upon, and the court found "that the panel at the time and place libelled, being then lord provost of the city of Edinburgh, wilfully neglected to pursue, or wilfully opposed or obstructed when proposed by others, such measures as were proper or necessary for the defence of the city against the rebels in the instances libelled, or so much of them as do amount to wilful neglect." In consequence of some informality, the trial was abandoned, and Stuart was brought to the bar on a new indictment on the 26th of October. The trial was long and tedious, but it ended on the 2nd of November in an acquittal. Stuart's friends in the city were numerous, and his acquittal was a matter of no little exultation. They announced their intention of holding a feast to celebrate the event, which gave great offence to the other party. Provost Drummond, having first consulted with the lord justice-clerk, forbade this meeting, which accordingly was not held. A satirical poem on Stuart's acquittal, directed especially against the royal party, but in which Drummond and some of his friends were very pointedly introduced, was printed by a jacobite printer named Robert Drummond, who was apprehended and brought before the city magistrates. They condemned him first to nine days' imprisonment, then to stand in the pillory till the copies of the pamphlet were burnt by the hangman, and afterwards to be imprisoned again until he found security for absenting himself from the city of Edinburgh for a year. The printer appealed against this sentence to the justiciary, on the ground that in a crime which merited so great a penalty he was

entitled to a trial by jury. The plea appears to have been a fair one, but political feelings ran high, and the justiciary refused to interfere. The sentence of the city magistrates was thus confirmed, and it was rigorously inflicted.

At the close of the year 1747, Scotland lost one of her greatest and most distinguished patriots, Duncan Forbes of Cul-loden. As he had allowed himself to be the slave of no party, he was looked upon with jealousy by most of his brother statesmen, and his services were not appreciated by the government as they deserved. To him Scotland certainly owed most of what was substantial in the reforms and improvements effected during his life, and he was profoundly respected and deeply regretted.

In the new parliament, which met in the November of this year (1747), the ministry had a very decided majority in the house of commons. The only question of any special importance with regard to Scotland was one which was really forced upon the government by the disloyalty of the Scottish episcopal clergy. These not only in general secretly acknowledged the pretender as their king, but their bishops were actually appointed by him, and were received upon his *congé d'élire*. Their conduct had been such, in 1745 as well as in 1715, that parliament now interfered. In 1646, an act was passed, allowing such of the episcopalian clergy only to officiate as had been ordained by protestant bishops and had taken the oath of allegiance, but the ease with which they nearly all took openly the oath to king George and secretly acted for the pretender was so great, that in the present session it was considered necessary to bring in another act, by which while the oaths were still required, all persons were strictly prohibited from officiating as episcopalian pastors in Scotland, who had not been ordained by a bishop of the protestant church of England or Ireland. This act was violently opposed, and a great cry was got up against it on account of its alleged persecuting spirit; but it was passed and received the royal assent on the 13th of May, 1748. But jacobitism was now decidedly in the wane, and there was little further need of repressive measures. The consequence of the decline of jacobitism was soon seen to be a rapid advance in the prosperity of the country, which appears in the fact that for several successive years, while the Scots were chiefly occupied with the improvement of

their trade and manufactures, scarcely any public measure relating to Scotland alone came before the legislature.

The government itself felt that there was no further necessity for severe measures against those who had been concerned in the rebellion, and they pursued a course of great lenity. All further proceedings against those excepted from the general pardon were remitted to Scotland, and a grand jury under the British treason act (now acted upon in Scotland for the first time) sat in Edinburgh on the 10th of October, 1748. Forty-eight men possessing the due qualifications for grand jurymen were summoned, twenty-four from the county of Edinburgh, twelve from that of Haddington, and twelve from that of Linlithgow, and out of these were chosen twenty-three. Sir John Inglis of Cramond was named foreman, and they all took the oath by kissing the book, according to the English custom. The court consisted of three justiciary lords, of whom the lord justice-clerk, Tinwald (who had succeeded lord Milton), was president. He explained to the grand jury their duties, telling them that the former practice which left the prosecution of those accused of treason to the lord advocate was now abolished, and that this power was now lodged with them, of whom it required the concurrence of twelve to return a true bill. The proceedings lasted a week, and were carried on with the greatest fairness. Out of fifty-five cases, true bills were found in forty-two; and when the lord advocate dismissed the jury, he told them that he had directions not to proceed to any further prosecutions, and intimated that none of the rebels exempted from the act of grace would be troubled by the government for what was past, provided they behaved themselves so as to give no further provocation. Other measures were adopted calculated to conciliate the people in general, or particular bodies. The city of Glasgow had distinguished itself by its loyalty, and had proportionally suffered from the exactions of the rebels, in consideration of which parliament voted it a sum of ten thousand pounds by way of compensation.

The proceedings with regard to the forfeited estates were marked by the same lenity. All claims upon these estates were to be laid before the court of session, and extraordinary ingenuity was displayed in making up fictitious incumbrances, so as

secretly to preserve a large portion of the revenues to the forfeited landlords and proprietors. In spite of the evident fraud of a great number of these claims, the court took the most lenient view of the case, and they were generally allowed. The principal estates upon which the claims were rejected, and the sentence of forfeiture confirmed by the house of lords, were those of the duke of Perth, the earl of Cromarty, lord Lovat, Lochiel, Kinloch-Moidart, Macpherson of Clunie, and one or two others of the chief leaders in the rebellion; and when the question came before the house of lords, in the parliamentary session of 1752, it transpired that the mortgages on these estates, which were given to the crown that their revenues might be expended upon the improvement of the highlands, actually in some cases exceeded the value of the estates, yet the ministers, knowing these to be fraudulent, and made by persons who were merely trustees for the exiled and forfeited rebels, allowed them to pass, and took much of the expense of the improvement in the highlands upon the English budget. This provoked from the duke of Bedford the rather satirical remark, "that if, after having paid ten thousand pounds to Glasgow for the kilts and bonnets furnished to the rebels, and a hundred and fifty-two thousand pounds to the nobility and gentry for heritable jurisdictions, England should now pay more than both these sums put together for planting religion and loyalty in the highlands of Scotland, it would be for the interest of that portion of the kingdom to have frequent rebellions." The act proved, however, in the highest degree beneficial to Scotland. Commissioners, without salaries, were appointed to manage the estates, and to apply the yearly income to the purposes specified in the act—namely, the promotion among the highlands and islands, of the protestant religion, good government, and manufactures. These commissioners were authorised to nominate stewards, with a salary not exceeding five per cent. of the rental, as well as clerks and other officers also with salaries. They were to grant leases for any term not exceeding twenty-one years, at not less than three-fourths of the real annual value, and not above twenty pounds a-year to any one person, except in the cases of mines and fisheries. The lessee was required to be resident, and he was not allowed to underlet or assign the land.

In the south the improvement of the country was advancing with great rapidity. The establishment of banks and commercial companies showed that money was beginning to flow into Scotland, and it was already widely employed in the improvement of agriculture, while the extensive establishment of turnpike-roads facilitated the conveyance of the produce of the land to distant markets. The sudden increase in the foreign commerce of Scotland is proved by the significant fact that, in 1744 (the year before the rebellion), the tonnage of ships belonging to Leith amounted to only two thousand two hundred and eighty-five tons, and that in 1752 it had increased to the comparatively large amount of five thousand seven hundred and three tons. Several new branches of manufacture were now introduced into Scotland with great success; and the amount of the sale of linen, which still continued to be a staple manufacture, had increased during the period just mentioned by more than half a million sterling. Whatever temporary injury the city of Edinburgh may have suffered in the rebellion, it had been abundantly repaid in the flourishing state at which it had now arrived, and it was in this year of 1752 that those improvements began which have made it one of the handsomest cities in the world. Committees were formed for drawing up plans for these improvements, and procuring an act of parliament for carrying them out. Glasgow at the same time was just entering upon that course of advancement in manufactures and trade which has since raised it to such a high pitch of commercial importance. It must not be forgotten that at this very moment, this city had become the centre of improvement in printing and type-founding, and that the Foulises of Glasgow were perhaps the best printers in Europe.

Meanwhile the attempt to civilise the north was not received very contentedly by the population of the mountains, who looked upon it as a cruel and oppressive stretch of authority to make such crimes as sheep-stealing and cattle-lifting offences punishable by the law, and they were inclined to offer any kind of resistance they could to the measures of the commissioners for the management of the forfeited estates. In the course of the year 1752, Colin Campbell of Glenmore, having been appointed factor on the forfeited estates of Ardschiel, Mamore and Callart, proceeded, according to the direc-

tions given him from the exchequer, to remove from their estates the chief tenants who had been actively engaged in the rebellion. In the month of May, as Campbell was passing on horseback through a wood in Argyleshire, in company with Mungo Campbell (a writer in Edinburgh) and Donald Kennedy, a sheriffs' officer, and attended by one servant, he was killed by a treacherous shot from behind a tree. There appears to have been little doubt on people's minds that this murder was perpetrated by one Allan Breck Stuart, who had fought in Charles's army at the battle of Culloden, and had twice entered the service of France, but who was now on a visit to his native land; and report gave him for his accomplice James Stuart of Aucharn, a natural brother of Charles Stuart of Ardschiel, who had been removed from his farm. The first of these individuals had made his escape to France, but Stuart of Aucharn was taken and thrown into prison a few days after the perpetration of the offence. He was tried before the court at Inverary, and, upon mere circumstantial evidence, and that not of the most convincing kind, he was found guilty, and sentenced to be hung in chains. Stuart protested his innocence to the last, and many gave credit to his protestations; in consequence of which, the whole affair, made the worst of by the secret opponents of the government, caused a great sensation at the time. Many looked upon the sufferer as a mere victim to the ancient feud between the Campbells and the Stuarts, and some colouring was given to this allegation by the circumstance that eleven of the jury who found him guilty were Campbells, and that the chief judge of the court which pronounced his sentence was the duke of Argyle, the head of the Campbells. Another of the staunch jacobites, Lochiel's brother, Dr. Cameron, made his way back secretly to Scotland, for the purpose, as he pretended, to try and rescue some portion of the estates of his family; but he was arrested, and carried to London, where he was arraigned upon the act of attainder, and, in spite of great intercession for his life, he was brought to the scaffold. This act of severity brought some temporary obloquy on the government, who were unwilling, for political considerations which were important at that moment, to make public the real cause of Dr. Cameron's death, which was the accurate knowledge they had that he had come to Scotland to

take advantage of the discontent caused by the attempt to civilise the highlanders, to excite them to a new rebellion, and that he carried with him an offer from the king of Prussia to furnish them with arms.

But soon after this the restless energies of the highlanders began to be called off in a new direction, for the extensive foreign wars in which England soon afterwards became engaged, furnished abundant employment for the military spirit with which the young highland chiefs were still so deeply imbued. Enlisting was carried on very extensively in Scotland, but at first the outrages committed by the press-gangs caused much popular dissatisfaction, and in some cases led to serious riots. Gradually, however, these irregularities gave way to a better system, and William Pitt (afterwards earl of Chatham) put the healing hand to the whole. He saw how admirably adapted the highlanders were for the warfare which was then going on in America against the French and their Indian allies, and soon after he took office two highland regiments were ordered to be raised, and with great wisdom he chose for their officers almost solely men who had served in the rebel army. One of the two regiments was composed almost entirely of Frasers, and the command of it was given to Simon Fraser, the eldest son of the lord Lovat who had been executed. Archibald Montgomery, brother of the earl of Eglintoun, was appointed lieutenant-colonel of the other; and both these officers subsequently rose to high distinction in the British army.

During the years which followed, some of the forfeited estates having been sold to adventurers who speculated upon mining operations, had to be resold, and were eventually purchased on advantageous terms by the heirs of the original proprietors. This, however, was but a small step in the progress of restoration; and it was reserved for the ministry of the younger Pitt, when Dundas had the management of Scottish affairs, to heal finally the sore of jacobite rebellion. The men who now represented in blood the old jacobites, had long served their country well and loyally, and it was contended that the time was come when they ought no longer to suffer for the errors of their fathers or of their own younger and

less experienced years. Dundas brought forward his measure of restitution in 1784, and it was supported by the whigs as well as the tories, and passed the house of commons without any difference of opinion. It passed the house of lords by a large majority, although strongly opposed by the lord chancellor Thurlow, who urged that the tendency of this measure was to lessen the weight of the penalty of treason. The estates were restored, subject to the debts due when they were forfeited, and the money which thus went to the government was again chiefly expended in improvements in Scotland. Fifteen thousand pounds were applied to the building of a public record-office, and fifty thousand were given for the completion of the grand canal between the Forth and the Clyde.

After the suppression of the rebellion of 1745 and 1746, Scotland ceased to have a political history of her own, and became integrally a portion of the British empire, sharing in its prosperity, and having no separate interest in any reverses which might fall upon it. From the commencement of the present century, there are in fact no events of a merely political nature for the historian of Scotland to relate. One of her chief remaining abuses, the corruptions of the municipal governments, was finally corrected by the bill for the reform of the Scottish boroughs in 1833. But still Scotland has retained one element of separate and independent existence in her church, the divisions of which have assumed of late years an unusual importance. It has not been our design to write the ecclesiastical history of the kingdom, and we have only given it a prominent place when at times the church has become either the paramount political power, or when at least it has been the pivot on which the whole political history of Scotland turned; but, although it has now long ceased to possess the political position it formerly held, the history of Scotland could hardly be concluded appropriately without a sketch of the vicissitudes of the kirk since the time of the rebellion, especially as they have led recently to events which have brought the church of Scotland more prominently than usual before the public, and which have been certainly of great national importance.

CHAPTER XIII.

THE SCOTTISH CHURCH, FROM THE REBELLION TO THE PRESENT TIME.

THE presbyterians had been deeply interested in the fate of the rebellion of 1745, and it had produced a partial cessation of the disputes which had agitated the assembly. Two distinct parties had sprung up in the church since the revolution of 1688, and had become more and more widely separated; these were the rigid presbyterians of the old Calvinistic school, and those who were now called the moderates, who had originated partly, if not chiefly, in the episcopalian clergy who were allowed to retain their benefices, and who, for their alleged spirit of subserviency to the civil government and power, were accused of leading the church into Erastianism. The grand point of dispute between them was the law of patronage, which had been introduced in rather an imperfect form in the latter part of the reign of queen Anne. The civil courts now always protected the rights of patrons with regard to presentation to the revenues of a parish, while the power of confirmation and of authorising to preach was still left to the assembly. The consequence was, that in any particular case the general assembly might place in a parish a minister contrary to the wish of the patron, but the patron might deprive him of the fruits of the benefice, and retain them to be applied in other ways to pious purposes within the parish. When, however, the moderate party was in a majority in the general assembly, that body almost always accepted and confirmed the presentation of the patron; but some of the presbyteries, where the moderate party was in the minority, resisted the judgment of the general assembly, and made settlements, as they termed it, in parishes contrary to the will of the patron. Such cases gave rise to disputes which, joined with a natural jealousy of the strict presbyterians to the leaning of the moderate party to Arminianism, led to the secession already described. This secession was an indiscreet measure, because it not only divided the evangelical party, but it left the general assembly, or, in other words, the executive government of the church more than ever in the hands of the moderates.

In the year 1747, the seceders quarrelled

among themselves. While the general assembly met as usual, the seceders now held an opposition assembly, or high court or synod; for their numbers had increased considerably. At this meeting, the question of oaths not imposed by government, and especially of those taken in the municipal corporations, was agitated, and the following clause in the oath of some of the burghs was warmly debated:—"I profess and allow with my heart the true religion presently professed within this realm, and authorised by the laws thereof; I shall abide at and defend the same to my life's end, renouncing the Roman religion called papistry." Moncrieff and the original and more violent seceders, held that the terms of this oath included all the modern corruptions in their church, and that those who took it bound themselves to support the party of the general assembly, which they the seceders now disowned, and to oppose the secession. Others held that the words in question implied simply the pure presbyterian church of Scotland, and that they contained nothing objectionable. As the two parties were nearly equal in number, the dispute was carried on with great bitterness, and they were soon known by the distinguishing titles of *burghers*, or those who defended the clause in the oath, and *anti-burghers*, or those who condemned it. The burghers, who seem to have shown a greater spirit of moderation than their opponents, made several attempts at reconciliation, but their opponents would listen to no other terms than a simple confession of their error and a humble expression of repentance; and at last the anti-burghers withdrew from their brethren, and held a separate synod, so that two hostile standards were already raised within their little camp.

The alarm which the secession had at first created among the moderates themselves, and the wish of many of these to yield so far as to leave a door open for the return of their dissenting brethren, restored for a few years what was called the "evangelical influence" in the general assembly; but moderation was gaining strength behind the curtain; and soon after the suppression of the rebellion, its influence became firmly



1891. 1892. 1893. 1894. 1895. 1896. 1897. 1898. 1899. 1900.

(11) , (13).

established. This result has been attributed partly, if not principally, to the talents of a man who has since thrown lustre on his country by his historical writings, the celebrated Dr. Robertson. It was assisted, however, by a new feeling which was arising in the church itself, or rather by a gradual change which had been taking place in the character and temper of its ministers. So many new fields of exertion had now been opened to the middle and higher classes of society in Scotland, that the small stipends of the ministry offered few attractions, and they were left as objects of ambition to people in the ordinary and lower ranks of life, whose chief aim was to obtain by them the rank and influence of gentlemen, which they could hardly expect to do in any other way. "When one minister dies," said a Scottish member in the course of the subsequent debates in the house of commons, "at least three young men are licensed; the reason of this seems to be, that mean people, out of vanity, because some of their relations are ministers, will educate a son in this way, to push him into a rank in the world above his birth and condition. And to effectuate this, all his acquaintances are teased with constant solicitations to procure a bursary (*a purse*) for this hopeful boy, because his parents are not able to give him such an education. This bursary serves him for bread, and mean bread it is, during his four years' attendance at the university; and then another must be procured to maintain him other four years at the divinity hall. After this, and perhaps sooner, they get into some family as chaplain or tutor to a young gentleman. So many as can manage business of this kind are in a fair way of success; but many are forced to take up with a private family, or an old widow gentlewoman, and serve her as chaplain for his diet; and by assisting a few boys at public schools to get their lessons, pick up as much as keep them in clothes. What can be expected from such a poor education, and so low a way of life?" This class of men, in fact, who had sought the ministry for its secular respectability, and who therefore valued especially the stipends which should support that respectability, were more likely to join with the moderates, who were in favour with the government, than with their opponents, and they naturally swelled the ranks of that party of which Robertson was now acknowledged as a chief leader.

It was a very natural consequence of the

circumstance just noticed, that the question which chiefly occupied the attention of the assembly at the time of which we are now speaking, was that of obtaining an increase in the stipends of the ministers. This question had been agitated before the rebellion, and after that event the general assembly, pleading the loyalty of the presbyterian clergy during that critical period, determined on pressing their claims upon the government. They hit, however, upon a plan which raised opposition in a class whom the government were by no means desirous of offending—the Scottish landholders; because it would have been virtually an additional tax upon their lands. Yet the assembly persisted in their plan; and in their meeting in 1750 they determined to make a formal application to parliament, and appointed commissioners for that purpose, who repaired to London and presented a memorial, in which they very injudiciously represented those who opposed the measure as persons disaffected to the Hanoverian government. The result was what might be expected—namely, the failure of the application, and the members of the general assembly soon saw and corrected their error of placing themselves in a position of antagonism to the landed interest. In fact, the increase in national prosperity and wealth was rapidly undermining what remained of the political power of the church.

In this state of affairs, young men distinguished more for their oratorical talents and for their political knowledge, than for anything like rigid presbyterianism, were taking the lead in general assembly, and were ensuring the triumph of moderate principles. Robertson, who proclaimed himself a zealous advocate of the law of patronage, made his first speech on ecclesiastical affairs in 1751, when he advocated coercive measures against a minister put in a benefice in opposition to the patron, but was in the minority. He was then thirty years of age, and his eloquence is said to have contributed largely to the revolution which had taken place between this time and the assembly in the following year, when the moderate party, who were in favour of lay patronage, completely triumphed. The case in which this triumph was effected, was one which has since held a rather prominent place in Scottish church history. A Mr. Andrew Richardson had been presented by its patron to the parish of Inverkeithing, on the coast of Fife, and the

commissioner of the assembly had enjoined the presbytery of Dunfermline, under a threat of severe censure, to admit him on the third Monday in January, 1752. The parishioners, it appears, were unanimous in their opposition to the presentee, and, as two members of the presbytery appealed, and several members of the commission dissented, the injunction was not carried into effect. Thereupon, the patron and some non-resident heritors petitioned the commission against the presbytery. An attempt was made to transfer the question to the next general assembly, but it was decided that the commissioner had all the powers required to decide on the matter and carry its decision into effect. They appointed the synod of Fife to adjourn their next meeting to Inverkeithing, in order to settle Andrew Richardson there before the 1st of May. It was carried, however, against the moderates, that no censure should be inflicted on the presbytery of Dunfermline. The moderate party were extremely displeased at this decision, and they published their reasons of dissent, which were said to have been drawn up by Dr. Robertson. In these they urged that the impunity with which the disobedience of the presbytery of Dunfermline was allowed to pass, was calculated to destroy the basis of all society and government, and particularly of the subordination of judicatories in presbytery, which required unqualified submission from the inferior courts to the decisions of the supreme courts, especially in matters of discipline. A reply to these reasons was published by the other party, and, as the synod of Fife refused obedience to the commission, the whole affair was brought before the general assembly which met in the month of May in the year 1752. The king's commissioner to this assembly, the earl of Leven, in his opening address, pressed upon the assembly the necessity of enforcing obedience to the inferior courts; and, after due debate, it was voted by a majority of a hundred and two to fifty-six that the presbytery of Dunfermline should be enjoined to proceed to Inverkeithing, and there admit Mr. Richardson on the following Thursday, that six should on this occasion form a quorum instead of three, and that the ministers of the presbytery should appear before the assembly at mid-day on Friday, and give a report on what they had done. They appeared at the appointed time, and stated that only three ministers of the presbytery had at-

tended, and that, as those did not form a quorum, they could proceed no further. The ministers of the presbytery were now summoned to explain their non-attendance, and most of them gave excuses which were accepted, but six of them stood forward and pleaded conscientious scruples. The moderates pleaded earnestly for the necessity of enforcing unconditional obedience, and they were not only triumphant in establishing this principle, but it was voted that one of the six conscientious scruplers should be deposed as an example to the rest. The person finally selected for punishment was Mr. Thomas Gillespie, minister of Carnock, one of the most respectable ministers in the Scottish church. He submitted to the sentence of the assembly without a murmur, and quitting his benefice, went to Dunfermline, where he continued to officiate in an independent chapel. Gillespie himself showed no wish to form a dissenting party in the church, but one or two persons subsequently joined him, and eventually formed a new secession from the church which was afterwards known by the title of the *relief presbytery*.

These struggles were followed by a general feeling of indifference to church affairs, from which people were only aroused by an attempt in the English parliament, in 1778, to obtain a bill for the relief of the Roman catholics, which was generally unpopular throughout the island. At the general assembly, which was sitting in Edinburgh at the time this bill was in progress, Dr. Gillies, one of the ministers of Glasgow, inquired of the lord advocate if the bill was to extend to Scotland, and was informed in reply to his question, that the present bill was merely for England, but that a bill might be brought forward at a future period to extend the principle to Scotland. A motion was then made, that the commission of the assembly should be instructed to watch over the interests of the protestant religion, and to do what they should think fit to quiet the apprehensions of the public. This motion was opposed by Dr. Robertson, who said that his acquaintance with society was as extensive as that of most gentlemen in the assembly, and "he could not find that any alarm had been taken." The motion was rejected by a very large majority, but a protest was made by Dr. Gillies and some of his supporters. The people of Scotland were in general dissatisfied with the moderate party, whom they accused of indifference



Engraved by W. T. Mose

JOHN STUART, THIRD EARL OF BUTE

OB. 1792

FROM THE ORIGINAL OF RAMSAY IN THE COLLECTION OF

THE MOST NOBLE THE MARQUIS OF BUTE.

to religion, and of betraying the national church; and the rejection of the motion of Dr. Gillies caused a great popular irritation. Protestant associations were formed, and published violent resolutions against popery; most of the local synods made alarming statements of its increase; and petitions on the subject were sent in great numbers from all parts of the country. The agitation went on increasing during the rest of the year, and was continued into the year following (1779.) On the 31st of January, in this last-mentioned year, a letter was dropped in Edinburgh, pointing out a place in Leith Wynd, the residence of the bishop, as being secretly occupied by a popish chapel, and inviting the populace to destroy it. The evil effect of this incendiary paper was but too well calculated, for a numerous mob assembled, set the city authorities at defiance, and burnt the Roman catholic chapel to the ground. Next day they destroyed several other houses where catholic priests were understood to lodge, and plundered the shops of several known or reputed papists. It was proposed at night to visit the house of Dr. Robertson in the same manner, but fortunately for him some troops of dragoons arrived in time for his protection. Similar outrages were perpetrated in Glasgow, but in neither city was any personal injury inflicted. It was soon afterwards announced that there was no intention on the part of the government to bring forward any bill for relief to the catholics in Scotland, and at the next general assembly a resolution was passed against indulgence to popery, which did more than anything else towards calming the public mind on this subject.

The liberality, however, or free opinions, of the moderate party in the church of Scotland increased so much, with the consciousness of power, that at length it was proposed, in 1781, to lay aside the confession of faith. The danger of such a measure was evident to all who had the interests of the church of Scotland at heart, and finding that a great number of his party were so urgent on this point that it was impossible for him to avoid it, Robertson suddenly and unexpectedly resigned his position as its leader, in which he was succeeded by Dr. Hill, principal of the university of St. Andrews, who was looked upon by the evangelicals as a man of more sincere piety than Dr. Robertson, but they said that he had

not the resolution to steer against the current of moderatism. Towards the end of the century, however, the current began to turn, and, partly from the returning favour of government, and partly through the earnest and able advocacy of men like Dr. Erskine, sir Henry Moncrieff, and Dr. Andrew Thomson, the evangelical party gradually gained the upper hand in the assembly, and finally a new life was given to it, after 1815, by the energy and talents of the celebrated Dr. Thomas Chalmers, while people's attention was extensively carried back again and fixed on the examples and doctrines of the earlier Scottish reformers by the writings of Dr. M'Crie and others.

The old question of patronage now soon again came under discussion. The general assembly of 1826 was occupied with a warm discussion on the subject of pluralism, more especially with regard to the union of the pastoral and professorial offices, the latter, it was alleged, being a check upon the due performance of the former. Dr. Chalmers, on this occasion, warmly opposed this union of offices, as being a hindrance to the efficient working of the church, but it was supported by the moderate party; and Hope, the lord president of the court of session, who was a member of that assembly, stated his opinion, that even if it were expedient to abolish pluralities, the church had not, by the law which regulated her relation to the state, the power of abolishing them, but that it must be done by parliament. This opinion, coming from the highest law authority in the land, caused a great sensation among the evangelical party, who had always in principle repudiated the supremacy of the civil power over the ecclesiastical. They contented themselves, however, with strongly declaring their dissent from the opinions of the president of session, and the question was no further agitated for the present. The church went on quietly again for a few years, until, in the general assembly of 1833, the great question of patronage was again agitated.

This question was first brought forward in a comparatively partial measure, the restoring its ancient force to the practice of the call, or invitation from the congregation to the minister, which was still preserved, though it had degenerated into a mere form. The design, of course, in reviving this, was to paralyse the absolute power of the patron. The process of filling a vacant parish in the church of Scotland was as

follows:—When the vacancy was known, the patron issued his presentation in favour of his nominee, in the form of a document in which he requested the presbytery within the jurisdiction of which the vacant parish lay, “to take trial of the qualifications, literature, good life, and conversation,” of the minister thus presented, and of “his fitness and qualifications for the functions of the ministry, at the church to which he was presented.” The first act of the presbytery was to send the presentee to the vacant parish, where he was to conduct public worship and preach on one or more sabbaths, so that “the people might have trial of his gifts for their edification.” The presbytery held a meeting, pursuant to notice given publicly from the pulpit of the vacant parish at least ten days before, to learn whether the parishioners approved of the person who had been sent for trial and wished to have him as their minister, which must be given in writing and signed. This document was termed the “call,” and was addressed to the presentee. Upon this call the further proceedings were founded. This call had become a mere formality, which exercised no kind of influence upon the presentation to the parish, but the evangelical party determined to restore it to its ancient character, and they resolved further to do this without any reference to the civil power. Various ways were proposed as to the best mode of rendering this call efficient, and at the same time evading any collision with the civil courts, and it was decided at last that this should be done by a sort of negative measure, according to which the dissent of a majority of the congregation should bar the settlement. This was termed the “veto.” After having been rejected in the general assembly of 1832, the plan of the veto was introduced into that of 1833 by Dr. Chalmers, and seconded by lord Moncrieff. Dr. Chalmers’ motion was for a declaration of the assembly, “that the dissent of a majority of the male heads of families, resident within the parish, being members of the congregation and in communion with the church at least two years previous to the day of moderation (*i.e.*, of the call), whether such dissent shall be expressed with or without the assignment of reasons, ought to be of conclusive effect in setting aside the presentee (under the patron’s nomination), save and except where it is clearly established by the patron, presentee, or any of the minority, that the said

dissent is founded in corrupt and malicious combination, or not truly founded on any objections personal to the presentee in regard to his ministerial gifts and qualifications, either in general or with reference to that particular parish.” The motion was opposed by Dr. Cook, professor of moral philosophy at St. Andrews, who was now the leader of the moderate party in the assembly, and after a long and warm debate, it was thrown out by a hundred and forty-nine voices against a hundred and thirty-seven, so nearly were the two parties balanced in the assembly at this time.

In the interval between this and the next general assembly, the question of the veto was a subject of great agitation, and its advocates, in the assembly at least, had increased in number. Dr. Chalmers was not a member of this assembly, and therefore, in his unavoidable absence, lord Moncrieff brought it forward on Tuesday, the 27th of May, 1834, in a motion which, differing in words, was the same in substance as that of Dr. Chalmers in the preceding year. It was again warmly opposed, and on the same principles as before—namely, that it was an unnecessary measure, as the church had always had the right of rejecting the presentee if he was found to be not duly qualified; that it was only taking this right out of the hands of the few to give it to the many; and that it would leave a door open to unfair and vexatious objections to individuals, inasmuch as the parishioners were not required even to state their reasons for dissent. The moderate party, however, seem now to have felt their weakness in numbers, and they met the proposal by an amendment containing a counter-project of a veto of their own, which was led by Dr. Mearns, professor of divinity in the university of Aberdeen, and seconded by Dr. Cook. It was simply the adoption of the recommendation of a committee appointed in the previous year. The debate was again long and warm, but the evangelical party was this time triumphant, and lord Moncrieff’s motion was carried by a hundred and eighty voices against a hundred and thirty-eight. An act of assembly was subsequently passed, though not without great opposition, to give chapels of ease the same position as parish churches, and to make their pastors equally capable of holding ecclesiastical office and rule, in presbyteries, synods, or assemblies.

Very few weeks passed over, before a

case occurred which opened the whole question of the rival claims of the civil and ecclesiastical jurisdictions. The minister of Auchterarder, a parish in the southern part of the shire of Perth, died in the month of August, 1834, and, according to the law, the patron, who was in this parish the earl of Kinnoul, was to nominate a successor within six months, or he forfeited his right of presentation for that time. The choice of the earl of Kinnoul fell upon a licentiate of the church named Robert Young, who is not stated to have been wanting in any of the necessary qualifications, and the deed of presentation was laid before the presbytery on the 14th of October, and was referred to the next meeting, which took place on the 27th of the same month. It was then resolved to proceed upon the new orders of the general assembly with regard to the call, and the presbytery appointed Mr. Young, according to usage, to preach in the parish of Auchterarder, so that the congregation might judge of his qualifications; which he did on two several sabbaths. A day was then fixed for receiving the call, and the presbytery met in the church of Auchterarder in presence of the congregation. When the call was given in, it was signed only by three individuals, two of whom only belonged to the parish. This, according to the manner in which the settling of a parish had been carried on for the last hundred years, would have been taken as sufficient, and Young would have been ordained to the benefice; but, in accordance with the new order, the presbytery called upon those who dissented to the presentation of Mr. Young, and nearly every head of a family in the parish came forward—out of three hundred and thirty persons entitled to exercise the privilege, no less than two hundred and eighty-seven gave in their names as dissentients. No reason whatever appears to have been asked or given for this universal dissent; but the presbytery referred, for advice, first to the synod of Perth and Stirling, and then to the general assembly. Having by both been confirmed in the course they were to pursue, the presbytery met again in the church of Auchterarder, and there proclaimed that they did “now reject Mr. Young, the presentee to Auchterarder, so far as regards the particular presentation on their table, and the occasion of this vacancy in the parish of Auchterarder, and do forthwith direct their clerk to give notice

of this their determination to the patron, the presentee, and the elders of the parish of Auchterarder.” Mr. Young’s agent, who was present, protested and appealed to the next synod of Perth and Stirling.

There can be no doubt that the synod would have confirmed its previous judgment in the matter, but before it met it had been resolved to bring the case before a civil court. It appears to have been considered that this was a direct blow at the right of patronage itself, and it can hardly be denied that if the presentation could be resisted and set aside in this manner, without any cause of dissatisfaction against the person of the presentee being required to be given, the church might at any time combine and set the law at defiance, and trample upon the rights of the patron. The counsel for Mr. Young and the earl of Kinnoul was Mr. Hope, dean of the family, who had warmly opposed the veto in the general assembly, and who, from the attention he had given to the subject was supposed to know it better than any other advocate; and the summons, as it was finally put in to the court of session, placed the question on the ground that the presbytery ought themselves to have examined into Mr. Young’s qualifications, and formed a just judgment upon them, in strict accordance with which they ought to have ordained him to the parish or rejected him, instead of sacrificing him to the unmotivated refusal of the parishioners. The plaintiffs asked the civil court to give judgment, “that the presbytery of Auchterarder, and the individual members thereof, as the only legal and competent court to that effect by law constituted, were bound and astricted to make trial of the qualifications of the pursuer, and are still bound so to do; and if in their judgment, after due trial and examination, the pursuer is found qualified, the said presbytery are bound and astricted to receive and admit the pursuer as minister of the church and parish of Auchterarder, according to law. That the rejection of the pursuer by the presbytery, as presentee aforesaid, without making trial of his qualifications in competent and legal form, and without any objections having been stated to his qualifications, or against his admission as a minister of the church and parish of Auchterarder, and expressly on the ground that the said presbytery cannot and ought not to do so, in respect of a veto of the parishioners, was illegal and injurious to the

patrimonial rights of the pursuer, and contrary to the provisions of the statutes and laws libelled."

It was not till the 21st of November, 1837, that the pleadings in this important case began before the court of session; they were concluded on the 12th of November: on the 27th of February, 1838, the bench began to deliver their judicial opinions; and the sentence of that court was given on the 8th of March. It would be quite out of place here to enter into the pleadings of this long and intricate case, and it will be sufficient to say that eight out of the thirteen judges agreed in the following judgment:—"The lords of the first division having considered the cases for the earl of Kinnoul and the Rev. Robert Young, and for the presbytery of Auchterarder, with the record and productions, and additional plea in defence admitted to the record, and heard counsel for the said parties at great length, in presence of the judges of the second division, and lords ordinary,—and having heard the opinions of the said judges, they, in terms of the opinion of the majority of the judges, repel the objections to the jurisdiction of the court, and to the competency of the action as directed against the presbytery; further repel the plea in defence of acquiescence; find that the earl of Kinnoul has legally, validly, and effectually exercised his right as patron of the church and parish of Auchterarder, by presenting the pursuer, the said Robert Young, to the said church and parish; find that the defenders—the presbytery of Auchterarder—did refuse, and continue to refuse, to take trial of the qualifications of the said Robert Young, and have rejected him as presentee to the said church and parish, on the sole ground (as they admit on the record) that a majority of the male heads of families, communicants in the said parish, have dissented, without any reason assigned, from his admission as minister; find that the said presbytery, in so doing, have acted to the hurt and prejudice of the said pursuers, illegally, and in violation of their duty, and contrary to the provisions of certain statutes libelled on; and, in particular, contrary to the provisions of the statute of 10 Anne, c. 12, entitled 'an act to restore patrons to their ancient rights of presenting ministers to the churches vacant in that part of Great Britain called Scotland;' in so far repel the defences stated on the part of the presbytery, and decern

and declare accordingly, and allow the above decree to go out, and be extracted as an interim decree; and with these findings and declarations, remit the process to the lord ordinary to proceed further therein, as he shall see just."

The case of Auchterarder had now expanded into the much greater question of the independence of the church courts in matters purely ecclesiastical of all civil jurisdiction. The advocates of the church had asserted this independence so broadly before the court of session, that they declared that even if the church court did wrong, and in whatever degree, the civil power had no right to interfere to make it do right; in fact, that the church authorities were alone competent to judge whether they themselves did right or wrong. It was generally known that the evangelical party in the church did not intend to bow to the decision of the court of session, and addresses were procured from the various inferior courts to the general assembly, praying that venerable body to adopt measures for vindicating the church's rights. Meanwhile, Mr. Young, after the decision of the court of session was known, returned to the presbytery of Auchterarder, and demanded to be taken on trial; and, when the presbytery evaded his demand by referring the matter to the synod, he delivered in a notarial protest, by which he held the members of the presbytery, conjointly and severally, liable to him in damages for their refusal. The assembly met on the 23rd of May, 1838, and was chiefly occupied by this important question. A hundred and eighty-three voices against a hundred and forty-two, passed a resolution, "That the general assembly of this church, while they unqualifiedly acknowledge the exclusive jurisdiction of the civil courts, in regard to the civil rights and emoluments secured by law to the church, and the ministers thereof, and will ever give and inculcate obedience to their decisions thereanent; do resolve, that as it is declared in the confession of faith of this national established church that 'the Lord Jesus Christ is king and head of the church, and hath therein appointed a government in the hand of church officers distinct from the civil magistrate,' and that in all matters touching the doctrine, government, and discipline of the church, her judicatories possess an exclusive jurisdiction, founded on the word of God, which 'power ecclesiastical,' in the words of the second book of discipline, 'flows from

God and the mediator Jesus Christ, and is spiritual, not having a temporal head on earth, but only Christ, the spiritual king and governor of his kirk.' And they do further resolve, that this spiritual jurisdiction, and the supremacy and sole headship of the Lord Jesus Christ, on which it depends, they will assert and at all hazards defend, by the help and blessing of the great God who, in the days of old, enabled their fathers, amid manifold persecutions, to maintain a testimony even to the death, for Christ's kingdom and crown. And finally, that they will firmly enforce obedience upon all office-bearers and members of this church, by the execution of her laws, in the exercise of the ecclesiastical authority wherewith they are invested." This resolution having passed, next day the assembly received an appeal from the synod at Perth and Stirling, which, having been applied to by the presbytery of Auchterarder for advice on the demand and protest of Dr. Young, referred these, with the judgment of the court of session, to the superior court of the general assembly. Without much debate, the assembly resolved to appeal to the house of lords against the judgment of the court of session. They next proceeded to consider what punishment should be inflicted on Mr. Young, for the wanton outrage he was alleged to have committed on the church in threatening the presbytery of Auchterarder with damages. No sooner, however, was this question started than Mr. Whigham, who had been junior counsel for the plaintiff before the court of session, stated that Mr. Young had acted under the direction of his legal advisers. The assembly refused to allow anybody to stand between themselves and one of their licentiates, and Mr. Young was cited to appear at the bar of the assembly, where on the 28th of May he presented himself, accompanied by his senior counsel, the dean of faculty, who stated that Mr. Young had acted under his directions, for the purpose of protecting his interests in the pending law-suit.

The appeal of the general assembly was brought forward in the house of lords on the 18th of March, 1839, and counsel was heard on both sides. Judgment was not given till the 2nd of May, and then it was decided that the appeal should be rejected, and the sentence of the court of session confirmed, lord Cottenham (the chancellor) and lord Brougham delivering their judicial opinions at considerable length. A fortnight after,

on the 16th of May, the general assembly met, and, after a fruitless attempt by Dr. Muir of Edinburgh to effect a conciliation between the two parties, Dr. Cook, the leader of the moderate party, came forward to propose to yield the point in dispute, and accept the decision of the house of lords. "It appears to me," he said, "that the veto act is not an act of the church; it is altogether a nullity: the church was acting under error—she did that which she supposed she was competent to do; but it is now found that she was not competent, and the act falls to be considered as no act of the church at all. This being the case, there is no occasion, in my estimation, to send down this act to be repealed, to the different presbyteries. We had not the power to pass it; we cannot have the power to repeal it; it is an absurdity, and therefore, in my opinion, it falls to the ground altogether." He was followed by Dr. Chalmers, who in an address distinguished by his usual talents, took his stand on the highest notions of ecclesiastical independence. Dr. Chalmers concluded by moving the following resolution, which merely left to the patron the emoluments of the benefice, but declared the unabated resolution of the assembly to defend its claim to independence from the civil courts in strictly ecclesiastical matters. "The general assembly having heard the report of the procurator on the Auchterarder case, and considered the judgment of the house of lords, affirming the decision of the court of session, and being satisfied that, by the said judgment, all questions of civil right, so far as the presbytery of Auchterarder is concerned, are substantially decided, do now, in conformity with the uniform practice of this church, and with the resolution of last general assembly, ever to give and inculcate implicit obedience to the decisions of civil courts, in regard to the civil rights and emoluments secured by law to the church, instruct the said presbytery to offer no further resistance to the claims of Mr. Young, or of the patron, to the emoluments of the benefice of Auchterarder, and to refrain from claiming the *ius devolutum*, or any other civil right or privilege connected with the said benefice. And whereas the principle of non-intrusion is one coeval with the reformed kirk of Scotland, and forms an integral part of its constitution, embodied in its standards and declared in various acts of assembly, the general assembly resolves

that this principle cannot be abandoned, and that no presentee shall be forced upon any parish contrary to the will of the congregation. And whereas, by the decision above referred to, it appears that when this principle is carried into effect in any parish, the legal provision for the sustentation of the ministry in that parish may be thereby suspended, the general assembly being deeply impressed with the unhappy consequences which must arise from any collision between the civil and ecclesiastical authorities, and holding it to be their duty to use every means in their power, not involving any dereliction of the principles and fundamental laws of their church constitution, to prevent such unfortunate results, do therefore appoint a committee for the purpose of considering in what way the privileges of the national establishment, and the harmony between church and state, may remain unimpaired, with instructions to confer with the government of the country if they see cause." This resolution was carried by two hundred and four voices against a hundred and fifty-five for Dr. Cook's motion, and by a hundred and ninety-seven voices against a hundred and sixty-one for the intermediate proposition of Dr. Muir. In accordance with Dr. Chalmers' resolution, a committee was appointed, known as the "non-intrusion committee," which at first included most of the leading men of the assembly of all parties; but when the names were announced, Dr. Cook refused to serve upon it, and his example was imitated by lord Dalhousie, who not only withdrew from the committee, but desired his name to be withdrawn also from among the members of the assembly, alleging, as his reason for withdrawing, that he would "not form part of the governing body of an established church which, with no invasion by the state of any of her holy and inherent rights, in defence of no sacred principle, but for a matter of mere ecclesiastical polity, has set herself up in an attitude,—for so it is, gloss it as you will,—in an attitude of dogged defiance, of virtual disobedience to the declared law of the land."

Soon after the close of the assembly, the committee thus appointed sent a deputation to London to confer with the government, then directed by lord Melbourne, who appears, if he did not actually listen to them with favour, at least to have shown a most conciliatory spirit. In their report, which was read to the commission of the

assembly by Dr. Chalmers, the committee said:—"We can state our having received the assurance of the government that they were fully impressed with the importance of the subject, and would give it their utmost serious consideration, and that they would give instructions to the lord advocate to prepare, along with the procurator, a measure to be submitted to the cabinet. And for those who might desiderate something more definite, and, as they perhaps feel, more substantial than this, we have the satisfaction of announcing, if not yet a specific measure by the legislature, at least a specific and most important concession to the views of the church on the part of the government. They have authorised us to state, that in the disposal of those livings which are at the nomination of the crown, its patronage will most certainly be exercised in accordance with the existing law of the church, a resolution which applies to nearly one-third of the parishes of Scotland." No sooner was this report made public, than lord Brougham brought the matter before the house of lords, and put a question to the prime minister as to the truth of this statement. Lord Melbourne replied in substance that he had wished to impress upon the deputation that the government considered the subject one which deserved careful consideration, but that he had not encouraged them to expect any legislative enactment on the subject; and that he had merely assured them that the patronage of the crown should continue to be exercised, as it had been, according to the assembly's own rules and laws. Shortly after this, Mr. Hope, the dean of faculty, published a large pamphlet, in which he criticised the whole proceedings of the evangelical party in the assembly with considerable severity, and accused the non-intrusion committee of having misrepresented lord Melbourne's words, with the intention of committing the government. Dr. Chalmers published a rather violent reply to this pamphlet, and in the midst of the irritation thus caused on both sides, two new cases of disputed presentation came to render the controversy more bitter and more intricate. The first of these occurred in the parish of Lethendy, in the presbytery of Dunkeld, which had an incumbent named Butters, who, in 1835, was too old and infirm to exercise his duties efficiently. The crown consequently appointed in that year a Mr. Clark to be his assistant and successor,

but, as he was vetoed by the congregation, the presbytery rejected him, and the assembly of 1836 confirmed their sentence. In the month of March, 1837, Clark raised an action against the presbytery, which was brought into court in the November following. A few days afterwards, Mr. Butters died, and, as Clark had only been originally sent down with what was called a sign-manual, the crown, ignoring his appointment altogether, issued a formal deed of presentation to a Mr. Kessen. As no objection had been made to this presentee, the process of settlement had been gone through until there remained only the single act of ordination and induction, when Clark presented an interdict from the court of session forbidding the presbytery to proceed to the ordination. Reference was immediately made to the commission of the general assembly, which directed the presbytery of Dunkeld to complete the settlement of Mr. Kessen. Clark now obtained a new and amended interdict from the court of session, forbidding the presbytery to act on the direction of the commission, upon which the presbytery referred the matter back to the commission for consideration at its meeting in August. The commission confirmed its former directions, and the presbytery met to act upon them, when an agent appeared for Mr. Clark, and read an opinion of the dean of faculty, on the danger they were incurring by their proceedings, and threatened them with imprisonment. Mr. Kessen was, nevertheless, ordained; and a complaint was lodged against the presbytery by Mr. Clark for having violated the interdict, and they were summoned to appear at the bar of the court of session on the 14th of June, 1839, from which they were dismissed with a rebuke, in addition to which they had to pay costs to the amount of between three and four hundred pounds. Mr. Clark subsequently gained an action for damages against the presbytery. The other case to which we have referred was of a rather different character. The parish of Marnoch, in the presbytery of Strathbogie, becoming vacant in the year 1837, a Mr. John Edwards was presented by the trustees of the patron, the earl of Fife. Only one parishioner and three heritors signed his call, while there were two hundred and sixty-one voices against him. In obedience to an order of the general assembly of 1838, the presbytery rejected Mr. Edwards, who carried his case to the court of session, and

in June, 1839, obtained a decree holding the presbytery still bound to take him on trial. The commission of the assembly expressly forbade the presbytery from obeying this decision, but it appears that the majority of this presbytery belonged to the moderate party, and after some disputes and several meetings, they rejected the veto of the parishioners, and determined to obey the decision of the civil court. Their conduct was brought before the commission at its meeting on the 11th of December, and they appeared in consequence of a summons to its bar, where, on their refusing obedience to the ecclesiastical in opposition to the civil power, sentence of suspension was pronounced against all the ministers (seven) who had formed the majority of the presbytery in these proceedings. Next day the seven ministers presented by their agent a notarial protest, holding all who had concurred in the sentence against them liable in damages, upon which the commission referred the whole case to the next general assembly. Four days after, the suspended ministers met in what they chose to consider a presbytery, and passed a formal resolution to disown the authority of the commission, and seek the interposition of the civil power, and accordingly they made an application to the court of session to set aside the sentence which had been pronounced against them, and to prohibit its being carried into effect. The court went so far as to interdict the minority of the presbytery, and all others, from using the church, churchyard, and school-house, in executing the sentence which the commission had pronounced against the majority. The commission were obliged to obey this interdict, as the places from which they were debarred were civil property, and the ministers sent to do the duties of those who had been suspended were obliged to preach in the fields.

The majority of the presbytery did not remain long satisfied with this first interdict, but, a few weeks after, they applied to the court of session for another, so extended as to hinder the preachers sent by the assembly from preaching in the parish. The lord ordinary Murray, to whom they first applied, continued the previous interdict of the use of the church, churchyard, and school, but refused to go further; the case, however, having been carried into the first division of the court, the presbytery at length obtained the interdict from preaching in the parish, which they had demanded.

There was now a strong feeling in the law courts against the proceedings of the evangelical party in the church, and lord Gillies, in moving the sentence of the court on this occasion, said—"That it appeared to him that the position which the non-intrusion party of the church of Scotland had taken up in opposition to the established law of the country, was the most arrogant that any established church had ever attempted;" a remark which naturally gave great offence to his opponents. These latter paid no attention to this new sentence, but sent their preachers into the parish as before, and the preachers merely took the interdict which was served upon them, and put it in their pocket, and proceeded as if nothing had happened, and the court appears to have been unwilling to follow up the matter against them personally. At a meeting of the commission of the assembly soon after these occurrences, on the 4th of March, 1840, these proceedings were brought under discussion, and Dr. Chalmers made a very strong speech, in which he declared that the church had made up her mind to set the civil courts at nought on this question, and that he and his party were resolved not to make the slightest concession. As the moderates now absented themselves from these discussions, the evangelicals of course carried everything by large majorities, and a series of resolutions, moved by Mr. Candlish, were agreed to by a hundred and seven voices against nine. The first of these resolutions pronounced the interdict of the court of session to be "contrary to the liberties of the church, as the same are recognised in the constitution of this country, and sanctioned by various solemn enactments of the supreme power in the state;" the second traced these alleged encroachments upon the jurisdiction of the church to the principle laid down in the courts of law in the Auchterarder case; and the third recommended petitions to parliament to adopt measures "for protecting the church from such unconstitutional interference of the court of session with the government, discipline, rights, and privileges thereof."

As the mass of the population was naturally led by the non-intrusion party, petitions in accordance with the wish of the church commission were quickly sent in to parliament from all parts of the country, and very numerous signed, and the agitation became greater than ever. A deputation had proceeded to London to sound the

feelings of the leaders of the different parties, and they had interviews with lord Melbourne at the treasury, and with lord John Russell, both of whom wished to avoid the subject, which they said was one of great difficulty, but lord John promised a final answer in the month of March. He then told them that the ministers "thought that they could frame a measure fitted to serve the object the church had in view, and which ought to be satisfactory; but he did not see any reasonable prospect of their being able to carry it through the legislature. There was so much division on the subject in the church itself, in the country, and in parliament, that they despaired of being able to obtain, at present, the necessary support for such a measure as they would be disposed to introduce. By-and-bye, perhaps, there might come to exist a greater unanimity on the subject, and then it might be in their power to effect what could not be attempted now." This reply was quite unsatisfactory to the church deputies, but, on the intervention of the lord advocate, ministers agreed to reconsider the matter, and the deputies had another interview with lord John Russell, at which the lord advocate and sir George Grey were present. Lord John then told the deputies, that the reason government had declined to interfere was not that they were unable to agree upon a suitable measure, but that at present they saw no prospect of being able to carry it; but the information laid before him by the lord advocate had, he said, in some degree altered the position of matters, so far at least that the government felt warranted in reconsidering their decision. He intimated, at the same time, that the measure they should propose would not be necessarily the exact one which the assembly wished to enforce upon them, but that they should probably suggest some modification in the character of the veto. At a subsequent interview, on the 30th of March, the deputies were informed that the ministers had finally resolved not to move in the matter at present.

The deputies had meanwhile been in communication with the conservative party, and they derived hopes from a very favourable speech which had been made in the house of lords in the month of February by lord Aberdeen, who had stated his opinion that the peace or the Scottish church ought to be restored by a legislative measure. Although he evidently disapproved of the veto,

yet he expressed himself so much in accordance with the sentiments expressed by Dr. Chalmers in 1839, before he had adopted the veto, that it was hoped that lord Aberdeen might be brought to give up this point also. In a communication to the non-intrusion committee, lord Aberdeen stated his notions on this subject in writing, which were:—"That the presbytery shall be bound to take a qualified presentee on trial; and in the course of the proceedings previous to ordination, the objections of the parishioners, if any, shall be received and duly weighed by the presbytery; such objections in every case to be accompanied with reasons assigned,—but the presbytery to be at liberty to consider the whole circumstances of the case before them, and to form their judgment without reference to the actual number of persons dissenting, or their proportion to the whole amount of communicants and heads of families in the parish,—the decision of the presbytery, with respect to the fitness of any individual for the charge to which he is presented, to be founded on such full and mature consideration, and to be pronounced on their own responsibility, and according to the dictates of their hearts and consciences. In a word, and to adopt the expression of Dr. Chalmers, it is proposed to recognise a presbyterial veto instead of the popular veto, which it has been attempted to establish by means of the general assembly; all proceedings to be liable to review in the superior church courts." This the committee considered as merely substituting the will of the presbytery for the will of the congregation, and they were determined that the veto should be the simple dissent of a majority of the parishioners who were duly qualified, without any reason or justification being required. The committee accordingly replied to lord Aberdeen, that if they were to understand this as the principle of his proposal, "they had not the power even to entertain such a proposition, involving as it did the abandonment of that very principle which the assembly, by whom they were appointed, resolved could not be abandoned;" adding, that "any proposition implying that the church should not have power to reject simply in respect of the circumstance that the congregation continued to oppose the settlement, they could not listen to even for a moment." Lord Aberdeen replied that the committee had to a certain extent misunderstood him, and that he

wished in no manner to fetter the judgment of the ecclesiastical court, but that he wished to save the presbytery from the necessity of rejecting a minister for any frivolous reason, such for instance (which was the case he put) as because his hair was red. Further correspondence now took place, in the course of which Dr. Chalmers first thought the committee itself went too far, but afterwards he wrote to lord Aberdeen in the following terms:—"On further reflection I am satisfied the gentlemen who brought forward the instance of a dissent being sustained irrespective of the reasons, did right; first, because it was fair and honest that you should understand the full extent of the judicial power which we desire for the church; second, because though the reasons, as expressed by the people, might none of them be of a very presentable or pleadable character, there might after all be a well-founded dislike on their part, that might prove a most effectual moral barrier in the way of a minister's christian usefulness among them; and third, because unless the measure be of that full and comprehensive nature which may provide for every possible or conceivable instance, and so as to make the presbyterial veto quite absolute, we shall not be placed quite securely beyond the reach of interference, and so of a collision with the court of session." In fact, the object really contended for was the simple superiority of the church courts over all civil courts.

As lord Aberdeen showed an evident inclination to yield as much as he could to the claims of the church, the deputies were led to believe that he was prepared to bring in a bill in full accordance with their feelings with regard to the call, and laid information before the committee to that effect; but if lord Aberdeen had really adopted their view of the matter, he very soon changed his mind, for immediately afterwards he addressed a letter to Dr. Chalmers, in which he said—"I had mentioned to them (the deputies) a project of an enactment by which the call should be rendered more effectual, and thus accomplishing the object desired by obtaining an assent on the part of the people. For some time I regarded this project with favour, and was very desirous of carrying it into effect. Further examination and reflection, however, have convinced me that it would be quite impracticable, and I have therefore abandoned it altogether." There was now

virtually an end of any cordial co-operation between lord Aberdeen and the committee, and, having given notice on the 31st of March of his intention to bring a bill into the house of peers on this subject, he so far took the matter into his own hands, that when the two deputies of the committee sought an interview, he informed them that he could only receive them as private individuals, and not in their official character. However, on the 28th of April, he read his bill over to them, and next day he sent them a copy of it. They found, as they perhaps expected, that it did not give them the absolute veto they required, and they suggested alterations which would have effected that object. In returning the copy of the bill to him with their alterations, the two deputies referring to what had passed on the previous interview, said—"It is in these circumstances that we ventured to state it to your lordship, as our united and most decided opinion, that the bill, as submitted to us by your lordship, would infallibly be rejected by the church, and by a large majority of the ensuing general assembly; while, on the other hand, our opinion is not less decided that the bill, if modified according to the suggestions which we found it necessary to offer—and more especially, if by being read a second time, the principle embodied in it shall have obtained the sanction of one branch of the legislature before the assembly meets,—would be acquiesced in by the assembly in such terms as would be satisfactory to your lordship, and as would be fitted and designed to secure the success of the bill in both houses of parliament. If the bill, therefore, should remain unaltered, we can expect no result from it but immediate disappointment to your lordship's excellent intentions, and a continuation of those ruinous distractions which it is so desirable to terminate. Whereas, should your lordship be induced to modify the measure in the manner we have recommended, there is every reason to hope that there will be accomplished, through your lordship's instrumentality, the happiest deliverance to the church and country from evils of the most appalling magnitude." It was now, in fact, openly declared and proclaimed, that the only thing the assembly would accept was an act of simple concession to their demands.

Lord Aberdeen next sent a copy of the bill to Dr. Chalmers, who lost no time in

communicating to him his entire disapproval of it. "The three things," he said, "which are fatal to the bill are—first, the obligation laid on the presbytery to give its judgment exclusively on the reasons, instead of leaving a *liberum arbitrium* (free will) in all the circumstances of the case. . . . Secondly, because the bill, in its whole tone and structure, subordinates the church to the civil power in things spiritual. . . . Thirdly, it is substantially the same measure with that which was moved for by Dr. Cook and rejected by the church." All negotiation was now brought to a close, for it was quite evident that Dr. Chalmers and the party he led were resolved not to give way, while it was equally clear that those whom they now spoke of as the "politicians" felt that they could not yield to all the demands made by the general assembly and its committee.

The national assembly met on the 13th of May, and the consideration of lord Aberdeen's bill was brought before it on the 27th, in a long speech by Dr. Chalmers, who stated as follows the doctrine of ecclesiastical independence:—"The leading principle of presbyterianism," he said, "is that there is a district government in the church, and which the state must have approved of ere it conferred on her the temporalities,—and we must be as uncontrolled by the state, in the management of our own proper affairs, as if we did not receive a farthing from the treasury." Speaking of those within the church, who held less extreme opinions, and whom he accused of designing to undermine the church, he said that they "know well, that if we give way by ever so little,—if we make the smallest, though it were but a quit-rent acknowledgment of the supremacy of the civil court,—if we make but the semblance of submission to the civil power, they know well that the minutest fraction of such an appearance would eat as a canker-worm into the heart of any state religion,—the contaminating flaw would putrefy and pulverise to the dust every national establishment of christianity within these realms." With these sentiments he proposed a series of resolutions, the first of which declared the church's unchanging determination to "assert and maintain the exclusive jurisdiction of the church in all matters spiritual, recognising at the same time the supremacy of the civil courts in all matters touching the temporalities of the benefice." The

second declared an equally firm resolution to "assert and maintain the great and fundamental principle of non-intrusion." The third resolution was expressed as follows:—"Having considered the bill entitled, 'An act to remove doubts respecting the admission of ministers into benefices in that part of the kingdom called Scotland,' recently introduced into the house of lords, resolved—that while it makes no adequate provision, either for securing the exclusive jurisdiction of the church in matters spiritual, or for enabling the church to carry into effect the principle of non-intrusion, according to any specific law, the bill does not even leave the church courts at liberty in the exercise of their judicial functions, and on their own responsibility, to give effect to their own solemn convictions of duty in refusing to intrude presentees on reclaiming congregations; nor does it protect them from civil coercion and control, when, in any particular case, they shall do so; and therefore, inasmuch as this bill is inconsistent with the principles of the church, and threatens, if passed into a law in its present form, to produce effects which may be fatal to the church as a national establishment,—the general assembly cannot acquiesce in this bill, unless it be so altered as to be in conformity with the principles now expressed; and that it is the duty of this church to use every effort to prevent its obtaining the sanction of the legislature." The fourth resolution was merely a vote of approval of the proceedings of the non-intrusion committee, and the appointment of another committee to watch over the progress of any bill which might be brought into parliament on the subject, with authority to draw up a bill of their own to be presented to parliament, if they saw an opportunity. After a very long debate, the resolutions were carried by two hundred and twenty-one voices against a hundred and thirty-four. Lord Aberdeen, nevertheless, proceeded with his bill, and it passed a second reading in the house of lords by seventy-four voices against twenty-seven. The new committee of the assembly had sent their deputies to London, and these now presented a petition against the further progress of the bill, and demanded to be heard by counsel against it. Lord Aberdeen felt the inutility of attempting to legislate for a body of people against their will and in face of their protests, and nothing more was heard of the bill till the

10th of July, when, in answer to a question on the subject, he stated that "he had come to the conclusion, although very reluctantly, that it would not be expedient for him to press the third reading of the bill during the present session." The bill was thus abandoned.

On the 26th of May, the day before the debate on lord Aberdeen's bill, the case of the Strathbogie ministers was resumed in the assembly, and counsel was heard in their defence. The question first debated—and in fact this was the main question at issue—whether the commission had exceeded its powers, and indeed whether the assembly, which of course delegated its powers to the commission, had such powers to the extent to which they had been used? This led, after some very warm debate, to a preliminary decision, carried by two hundred and twenty-seven voices against a hundred and forty-three, "that the assembly having heard counsel in this case, find that the commission did not exceed its powers; dismiss the complaint and appeal, and find and declare that the seven ministers in the presbytery of Strathbogie have been duly suspended, in terms of the sentence of the commission." A day was fixed for the further consideration of the case, as regarded the proceedings now to be taken against the suspended ministers, inasmuch as they, relying upon the protection of the civil courts, had not submitted to the sentence of the commission. Moreover, as the evangelical majority in the assembly now alleged, "it was not alone the contumacy of the seven brethren with which the assembly had now to deal. There were other and later proceedings of theirs with which that original offence had been entirely outdone. They had attempted to interrupt, by bringing in the arm of the civil power, the course of ecclesiastical discipline and the administration of the ordinances of the gospel. They had violated that great cardinal doctrine of the church's constitution—that, 'The Lord Jesus Christ, as king and head of his church, hath therein appointed a government in the hands of church officers, distinct from the civil magistrate,' and that 'to these officers the keys of the kingdom of heaven are committed.' This they had done by recognising in the civil court a power to set aside the spiritual censures of the church, and to confer a title to exercise the spiritual functions of the ministry." It was, however, suggested that the church ought to make one effort more

to bring the suspended ministers on their knees, and it was moved, "that in respect of the proceedings of these parties in violating the orders of the commission, and of the general assembly, with regard to the settlement of Mr. Edwards, this assembly do find that they are censurable; and with regard to the other matters brought up, that they are liable to be proceeded against according to the laws of the church, but that before pronouncing any sentence and determining the nature of that sentence, a commission of this house shall be appointed to deal with these men, and report to a subsequent diet of this assembly." In reply to this, Dr. Cook, as the mouthpiece of the moderate party, moved as an amendment that, "as the said sentence was pronounced on these ministers for having conscientiously yielded obedience to the positive instructions of the supreme civil court, in what was stated by these courts to be a civil matter, in the peculiar circumstances and unresolved difficulties of the case, they are not on this account to be considered censurable, and the general assembly therefore remove the sentence of suspension, and restore them to the full exercise of their ministerial functions." The original motion was, however, carried against this amendment by two hundred and eleven voices against a hundred and twenty-nine. Next day, Dr. Cook gave in seven reasons of dissent for himself and the minority. One of these reasons was, "Because we are thoroughly persuaded, that the conduct of these seven gentlemen, in yielding obedience to the supreme civil judicatories of the realm, in what these judicatories, after the most anxious investigation, and after hearing all parties, under a voluntary appeal made to them by the church, had declared to affect civil rights, is conformable to the clearest principles of reason and the express injunctions of revelation,—and that had they acted otherwise, they would have violated their duty as good citizens and faithful subjects,—subverting, as far as in them lay, the great and fundamental maxims upon the uniform and steady application of which the existence of the social union, and the numberless blessings which result from it, must depend." The evangelical party professed to be shocked at the Erastianism contained in this article, and they went so far as to declare openly, that if the moderates persisted in such opinions, it was impossible that they could remain any longer with them in the same church.

A committee was appointed to confer with the suspended ministers, and, on the 1st of June, they laid before the assembly a paper signed by them, in which they avowed that "they deemed themselves specially bound, alike by their oaths of allegiance and by their duty as subjects, and as ministers of the established church, having right to the offices of ministers of parishes under the law of the land, to give due effect and obedience to the decree of the supreme civil court pronounced against them;" and they added that, "for having taken that course they feel it impossible for them conscientiously to acknowledge that they have justly become the objects of censure by the church." It was, upon the report of the committee, resolved by a hundred and sixty-six voices against a hundred and two, that the sentence of suspension should be continued, and that the seven ministers should be cited personally to appear before the commission in August, and that if they then continued contumacious and refused submission to the church courts, they should be served with a libel for that contumacy, and the commission should proceed until the case was ripe for the next general assembly.

The positions of the two great parties into which the Scottish church was now divided were very critical; the evangelicals, who were all-powerful in the assembly, had no other prospect, if they continued in the course upon which they had advanced so far, but that of a total separation from the state, and with that the entire loss of all the secular endowments of the church; while the moderates, who, although supported by the civil courts, were quite powerless in the assembly, were anxiously watching for any means of recovering their influence. With this object in view, they are said to have contemplated a secret association or league; at least this was alleged as an excuse by their opponents,—who had lost all hopes of the favour of government after the declaration of sir Robert Peel in the house of commons, in July, 1840,—for entering into a still more formidable combination. They seem to have imagined that they were living again in the days of the solemn league and covenant; and an "engagement" was drawn up, which will give our readers the best notion of the principles on which the evangelical party now made their stand. The following is the text of this document:—

"Whereas it is the bounden duty of those

who are entrusted by the Lord Jesus with the ruling of His house, to have a supreme regard in all their actings to the glory of God the Father, the authority of His beloved Son, the only King in Zion, and the spiritual liberty and prosperity of the church which He hath purchased with His own blood. Whereas, also, it is their right and privilege, and is especially incumbent upon them in trying times, as well for their own mutual encouragement and support as for the greater assurance of the church at large, to unite and bind themselves together, by a public profession of their principles, and a solemn pledge of adherence to the same, as in like circumstances our ancestors were wont to do: and, whereas, God in his providence having been pleased to bring the church of Scotland into a position of great difficulty and danger by acting according to the dictates of conscience and the word of God, imminent hazard of most serious evil, personal as well as public, is incurred. In these circumstances it being above all things desirable, that in the face of all contrary declarations and representations, our determination to stand by one another and by our principles should be publicly avowed, and by the most solemn sanctions and securities, before God and the country, confirmed and sealed,—

"We, the undersigned, ministers and elders, humbling ourselves under the mighty hand of our God, acknowledging His righteousness in all His ways, confessing our iniquities and the iniquities of our fathers, mourning over the defections and shortcomings which have most justly provoked His holy displeasure against His church; adoring, at the same time, His long-suffering, patience, and tender mercy, and giving thanks for the undeserved grace and loving-kindness with which He has visited His people and revived His cause, under a deep sense of our own insufficiency, and relying on the countenance and blessing of the great God and our Saviour, do deliberately publish and declare our purpose and resolution to maintain—in all our actings and at all hazards to defend—those fundamental principles relative to the government of Christ's house, His church on earth, for which the church of Scotland is now called to contend,—principles which we conscientiously believe to be founded on the word of God, recognised by the standards of the church, essential to her integrity as a church of Christ, and inherent in her constitution

as the established church of this land. The principles now referred to, as they have been repeatedly declared by this church, are the two following, viz.:—I. 'That the Lord Jesus, as King and Head of His church, hath therein appointed a government in the hand of church officers distinct from the civil magistrate. II. That no minister shall be intruded into any parish contrary to the will of the congregation.' To these principles we declare our unalterable adherence, and applying them to the present position and the present duty of the church, we think it right to state still more explicitly what we conceive to be implied in them.

"1. We regard the doctrine,—'that the Lord Jesus is the only King and Head of His church, and that He hath therein appointed a government in the hands of church officers, distinct from the civil magistrate;' this sacred and glorious doctrine we regard as fencing in the church of God against all encroachments and innovations, inconsistent with the free exercise of all the spiritual functions which the Lord Jesus has devolved either upon its rulers or upon its ordinary members. While, therefore, we abhor and renounce the popish doctrine, that the government appointed by the Lord Jesus in His church has jurisdiction over the civil magistrate in the exercise of his functions, or excludes his jurisdiction in any civil matter, we strenuously assert that it is independent of the civil magistrate, and that it has a jurisdiction of its own in all ecclesiastical matters, with which the civil magistrate may not lawfully interfere, either to prevent or to obstruct its exercise.

"2. In particular, we maintain, that all questions relating to the examination and admission of ministers, or to the exercise of discipline and the infliction or removal of ecclesiastical censures, lie within the province of the church's spiritual jurisdiction; and all such questions must be decided by the church officers, in whose hands the government is appointed, according to the mind and will of Christ, revealed in His word—not according to the opinions or decisions of any secular authority whatsoever. We are very far, indeed, from insisting, that the judgments of the competent church officers, in such questions, can of themselves carry civil consequences, or necessarily rule the determination of any civil points that may arise out of them. In regard to these, as in regard to all temporal matters, we fully acknowledge the civil magistrate to be the

sole and supreme judge,—bound, indeed, to have respect to the word of God and the liberties of Christ's church, yet always entitled to act independently, on his own convictions of what is right. But in regard to all spiritual consequences, and especially in regard to the spiritual standing of members of the church and their spiritual privileges and obligations, the judgments of the church officers are the only judgments which can be recognised by us as competent and authoritative. And if, at any time, the civil magistrate pronounce judgments by which it is attempted to control, or supersede, or impede the sentences of the church officers in these spiritual matters, and in their spiritual relations or effects, we must feel ourselves compelled to act upon our own conscientious interpretation of the will of Christ,—disregarding their judgments as invalid, and protesting against them as oppressive.

"3. As the Lord Jesus has appointed a government in His church, in the hands of church officers, so we believe, at the same time, that He has invested the ordinary members of His church with important spiritual privileges, and has called them to exercise, on their own responsibility, important spiritual functions. In particular, we are persuaded that their consent, either formally given, or inferred from the absence of dissent, ought to be regarded by the church officers as an indispensable condition in forming the pastoral relation; and that the act of a congregation agreeing, either expressly or tacitly, or declining to receive any pastor proposed to them, ought to be free and voluntary, proceeding upon their own conscientious convictions, and not to be set aside by the church officers—the latter, however, always retaining inviolate their constitutional powers of government and superintendence over the people. We hold it accordingly, to be contrary to the very nature of the pastoral relation, and the end of the pastoral office,—altogether inconsistent with the usefulness of the church, and hostile to the success of the gospel ministry—an act of oppression on the part of whatever authority enforces it, and a cause of grievous and just offence to the people of God,—that a minister should be settled in any congregation in opposition to the solemn dissent of the communicants. We deliberately pledge ourselves, therefore, to one another, and to the church, that we will by the help of God, continue to defend the people against the intrusion of unaccept-

able ministers,—and that we will consent to no plan for adjusting the present difficulties of the church, which does not afford the means of effectually securing, to the members of every congregation, a decisive voice in the forming of the pastoral tie.

"4. And, further, with reference to the question of civil establishments of religion, which we believe to be deeply and vitally concerned in the present contentings of the church, we feel ourselves called upon to bear this testimony,—that, holding sacred the principle of establishments as sanctioned both by reason and the word of God,—recognising the obligation of civil rulers to support and endow the church, and the lawfulness and expediency of the church receiving countenance and assistance from the state,—we at the same time hold no less strongly, that the principles which we have laid down regarding the government of Christ's church and the standing of his people, cannot be surrendered or compromised for the sake of any temporal advantages or any secular arrangements whatsoever; that it is both unwise and unrighteous in the civil magistrate to impose upon the church any conditions incompatible with these principles: and that no consideration of policy, and no alleged prospect of increased means of usefulness, can justify the church in acceding to such a condition. We emphatically protest against the doctrine, that in establishing the church, the civil magistrate is entitled to impose upon the church any restrictions on the authority of her office-bearers, or the liberties of her members. On the contrary, we strenuously assert, that it is his sacred duty, as it is his interest, to give positive encouragement and support to the church in the exercise of all her spiritual functions,—for thus only can God, from whom he receives his power, be fully glorified, or the prosperity and greatness of any people be effectually promoted. We admit, indeed, that, as supreme in all civil matters, the civil magistrate has always command over the temporalities bestowed upon the church, and has power to withdraw them. But he does so under a serious responsibility. And at all events the church, whilst protesting against the wrong, must be prepared to submit to their being withdrawn, rather than allow him to encroach upon that province which the Lord Jesus has marked out as sacred from his interference.

"5. While we consider the church's course of duty to be plain, if such an emergency as

we have supposed should arise, we have hitherto believed, and, notwithstanding the recent adverse decisions of the civil courts, we still believe that the constitution of the established church of Scotland, as ratified by the state at the eras of the revolution and the union, when, after many long struggles, her liberty was finally achieved, effectually secured that church against this grievous evil. The only quarter from whence danger to her freedom ever could, since these eras, be reasonably apprehended, is the system of patronage: against which, when it was restored in 1711, the church strenuously protested, and of which—as we have much satisfaction, especially after recent events, in reflecting—she has never approved. The restoration of that system we hold to have been a breach of the revolution settlement and the treaty of union, contrary to the faith of nations. Even under it, indeed, we have maintained, and will contend to the uttermost, that the constitution of the church and country gives no warrant for the recent encroachment of the civil courts upon the ecclesiastical province: that in terms of that constitution the church has still wholly in her hands the power of examination and admission, and, in the exercise of that power, is free to attach what weight she judges proper to any element whatever that she feels it to be necessary to take into account, as affecting the fitness of the presentee, or the expediency of his settlement: and that unquestionably in whatever way the church may deal with the question of admission, the civil courts have no right to interfere, except as to the disposal of the temporalities. But while we have taken this ground, and will continue to maintain it to be lawful, constitutional, and impregnable, even under the restored system of patronage, we avow our opposition to the system itself, as a root of evil in the church which ought to be removed,—the cause in former times of wide-spread desolation in the land, as well as of more than one secession of many godly men from the church,—and the source, in these our own days, of our present difficulties and embarrassments. We look upon the recent decisions of the civil courts, as illustrating the real character of that system of patronage which they attempt so rigidly to enforce; making it clear that it does impose a burden upon the church and people of Scotland, greatly more grievous than it was ever before believed to do. We con-

sider it to be impossible for the church, so long as this matter continues on its present footing, fully to vindicate or effectually to apply her inherent and fundamental principles; and it is now more than ever our firm persuasion, that the church ought to be wholly delivered from the interference of any secular or worldly right at all, with her deliberations relative to the settlement of ministers. We declare, therefore, our determination to seek the removal of this yoke, which neither we nor our fathers have been able to bear; believing that it was imposed in violation of a sacred national engagement, and that its removal will, more effectually than any other measure, clear the way for a satisfactory and permanent adjustment of all the questions and controversies in which we are now involved.

"Having thus set forth the principles on which we are united, being deeply impressed with a sense of their sacredness and magnitude, having our minds filled with solemn awe as we contemplate the crisis to which God, in his holy providence, has brought this church and kingdom,—a crisis of immediate urgency and of momentous issue, in which great principles must be tested, and interests of vast extent may be affected; and desiring to deliberate and act with a single eye to the divine glory, and a simple regard to the divine will,—

"We, the undersigned, ministers and elders, do solemnly, as in a holy covenant with God and with one another, engage to stand by one another and by the church which God's own right hand hath planted among us, promising and declaring that, by the grace and help of Almighty God, we will adhere to the two great principles which we have avowed; and, in all our actings as office-bearers in the church, will do our utmost, at all hazards, to carry them into effect; and that we will consent to no surrender or compromise of the same, but will faithfully and zealously prosecute our endeavours to obtain a settlement of the present question, in entire accordance therewith. And considering that, in this struggle in which the church is engaged, it is most necessary that we should be assured of the concurrence and co-operation of the christian people, on whose sympathy and prayers we, in the discharge of our functions as rulers, greatly lean, and by whose influence and assistance we can best hope effectually to press upon the governors of this great nation the just claims of the church,—

"We do most earnestly and affectionately invite our friends and brethren, members of the church of our fathers, to come to our help and to the help of the Lord,—to declare their concurrence in the great principles for which we are called to contend, and their determination to do all in their power, in their station and according to their means and opportunities, to aid us in maintaining and defending these principles, so that they, as well as we, shall consider themselves pledged to uphold the church in her present struggle, and, in particular, to use the powers and privileges which, as the citizens of a free country, they have received from God, and for the exercise of which they are responsible to Him for this, above all other ends, that the determination of the legislature of this great nation, whenever this subject shall come before them, may be in accordance with those principles which all of us hold to be essential to the purity of the church and the prosperity of the people.

"We, in an especial manner, invite them to raise a united and solemn protest against the system of patronage, which, unjust and obnoxious as it was in its first enactment, the decisions of the civil courts are now rivetting more firmly than ever on the reclaiming church of their fathers. The entire removal of that system they have the fullest warrant to claim on the ground of their ancient constitution and the solemn guarantee by which their national freedom and their religious faith have been secured; and, finally, recognising the hand of God in our present troubles, depending wholly on His interposition for a happy issue out of them, and remembering what our fathers have told us, what work the Lord did in their days and in the times of old, we call upon the christian people to unite with us in a solemn engagement to bear the case of our beloved church upon our hearts, in prayer and supplication at the throne of God, beseeching Him to turn the thoughts of those who are against us, and to guide us in the right way, so that under His overruling providence and by the operation of His Almighty Spirit, the cause of truth and righteousness may be advanced, and the work of righteousness may be peace, and the effects of righteousness quickness and assurance for ever."

This proceeding, and the reported intention of the moderate party to meet and make a counter-demonstration on the 12th of August, caused much excitement, and a

public meeting of the evangelicals, held in the parish church of St. Cuthbert in Edinburgh, on the evening of the 11th, was very numerous attended. Resolutions in accordance with the above engagement were adopted, and the commission of the assembly met on the day following (the 12th), in St. Giles's church, which was so much crowded, that they were obliged to adjourn to the Tron church. As the moderates remained quiet, the commission proceeded to further measures against the seven suspended ministers in the Strathbogie case. They had been cited by the preceding assembly to appear before this meeting of the commission; but in the meantime they had again applied to the court of session, and had obtained an interdict against the whole proceedings which the general assembly had taken against them, and they now presented a paper by their agent, by which they virtually disowned the jurisdiction of the church. Their agent stated "that he had been instructed by his clients to intimate that they did not intend to appear at this meeting of the commission, or at any of its other meetings to be held under the authority of the last assembly's resolutions and sentence relative to them;" but that, having placed themselves under the protection of the civil courts, they could not, "without acting inconsistently, recognise or sanction any part of the proceedings which have been suspended as illegal." They were defended by Dr. Cook, but their proceeding was very indignantly censured by the evangelicals, and drew forth an equally indignant speech from Dr. Chalmers. "We must stand out," he exclaimed, "against the series of aggressions thus rising in magnitude one above the other, else the most sacred, the most sacramental of our institutions, the very innermost recesses of the sanctuary, will be opened to the invader and trampled under foot. I know the obloquy which will be heaped upon us. I have heard the odious names which will be given us for this resistance; and I am prepared for them. If not an impartial public, at least an impartial posterity, will tell whether we are rebels, or they are persecutors. And here I may say one word to those who express the hope, and I observe that sir Robert Peel is among the number,—that we will yet give up our personal feelings, and do otherwise than this. To what personal feelings he refers, he does not specify,—whether it be the feeling of

irritation or false honour,—the pride of men who have committed themselves and gone too far to retract without shame and degradation. If so, never was an appeal made wider of its object. These personal feelings have no existence with us: or if they have, it is in such a slight degree, that they are altogether overborne by principles of a depth and height, and breadth and length, sufficient to engross and occupy the whole mass. The principles, whether our adversaries comprehend them or not,—the only moving forces that have told and still tell on the assembly, are the full security of our spiritual independence. The headship of Christ,—the authority of the Bible as our great spiritual statute-book, not to be lorded over by any power upon earth,—a deference to our own standard in matters ecclesiastical,—and a submission unqualified and entire to the civil power in all matters civil. These are our principles: and these principles, not personal feelings, we are asked to give up by men who have put forth unhallowed hands upon them. I ask, is there no room for a similar appeal to them? Have they no personal feelings,—no acrimony arising from the anticipation of defeat,—no triumph arising from the anticipation of victory? Have they no mortification of wounded vanity but their battle-cry,—‘what firmness has done before, firmness may do again’ (an allusion to a phrase in Mr. Hope’s pamphlet)—lest that battle-cry should be rolled back by a resolute and unyielding church on the heads of those who used it?” “Is there,” he went on to say, “no inward chagrin among parliamentary friends, mourning over their abortive measures,—is there no sense of offended dignity among the functionaries of the law, lest it should be found that law—no impossible thing in the course of a hundred and fifty years—had for once gone beyond its sphere? I ask which of the rival elements ought to give way? Whether the personal feelings of the men who have nothing to lose in this contest, or the personal feelings of men who are ready to risk all for their principles; and who, though many of them are in the winter of life, would—rather than renounce their principles—abandon their homes, and brave the prospect of being cast, with their helpless and houseless families, upon the wide world? I ask if it was well in sir Robert Peel, from his high station, and from his seat of silken security, to deal out his ad-

monitions to the church of Scotland in this way; and while he spares the patrician feelings of his compeers, to take no account of the principles and feelings of those conscientious men who, humble in station, but high in spirit, are ready, like their forefathers of old, to renounce all their enjoyments for the glory and the dignity of the church?”

Dr. Chalmers and his friends began now to talk more openly of the prospect of separation in the church, though this was perhaps used rather as a threat in the event of the civil courts persisting in their decisions; and he now for the first time declared that their object had expanded itself, and that they sought the entire abolition of patronage. “So far as I can understand,” he said, “the proposal now is, that whereas we have hitherto been thwarted in all our attempts to find a place for the popular will in the *settlement* of ministers, we must now labour with all our might to find a place for it in the *initiative*. In other words, as we were not permitted, in peace and without molestation, to regulate the call, let the right of nomination be so regulated as to anticipate the call; and for this purpose let us, in the name of all Scotland,—and I am sure of nineteen-twentieths of her people,—seek, through the medium of a legislature, to modify, and, if less won’t do, utterly to abolish this system of patronage. It is a consummation to which I shall look forward without uneasiness,—nay more, not without the hope of the glorious enlargement of our church,—always provided, however, that the church’s spiritual independence is left an intact and inviolable element amidst all these changes. I am no flatterer of the people. With all my respect for the mind and will of an honest congregation, however simple and however poor,—they may go astray in their way just as much as the patron does in his; and if the independent negative of the church be called for as a stay on the corruption of the one, the same check may be required as a corrective on the occasional extravagances, or follies, or overweening partialities of the other. The time is fast approaching when our (political) constitution will be greatly more popularized; and it is one of the reasons why I plead so strongly at present for the independence of the church, that if we are obliged to give it up now to the patrons, we must give it up then to the people.”

It was resolved finally that the seven

ministers should be served with a libel, and the same course was pursued with regard to Mr. Edwards, the presentee to Marnoch. At the next quarterly meeting of the commission of the assembly, which took place on the 18th of November, the seven ministers appeared by their counsel, and replied at length to the libel, denying that the commission, "not being a court established or sanctioned by the laws of the land," had any lawful jurisdiction; and that, as the proceedings of the assembly had been declared by the civil court to be illegal, and the execution of its sentence had been interdicted by the court of session, the libel itself was a violation of the law of the land. Mr. Edwards also appeared by counsel, and gave great offence to the commission by describing the citation which had been served upon him as "a *pretended* libel at the instance of some person or persons unknown." Mr. Edwards himself had not been inactive during the months that the matter was agitated before the assembly and the commission. In obedience to the order of the civil court, the seven ministers had put him to his trials, and had declared him to be qualified, on the 19th of February, 1840. They were now called upon to complete their part in the process by ordaining him and admitting him to the charge. This call was repeated on several occasions during the latter half of the year, but the seven ministers, who still called themselves the presbytery, hesitated in proceeding until they had some further guarantee from the civil courts. Accordingly, an action was brought in the court of session, and a decree was issued against the presbytery of Strathbogie, including both its suspended and unsuspended members, ordering them forthwith to admit and receive Edwards as minister of the church and parish of Marnoch, or, in case of their refusing or neglecting to do so, they were condemned to pay to him the sum of eight thousand pounds sterling as damages, and the additional sum of two thousand pounds sterling as a reparation for the injury done to his character and prospects. This decision alarmed the evangelical party more than ever, and meetings of the presbyteries of Edinburgh and Glasgow were held, and strong resolutions passed, copies of which were sent to the government. The seven presbyters, however, bowed at once to the decree of the court, and having met at Keith on the 4th of January, 1841, they

agreed to assemble at Marnoch on the 21st, for the purpose of ordaining and admitting the new ministers. On the day appointed, although it was the depth of winter, a great crowd of spectators, both of strangers and of parishioners, assembled at the church of Marnoch to witness these novel proceedings, and when the door was opened, the church was immediately filled. One of the elders of the congregation, after putting a question as to the authority under which the seven ministers were acting, presented a protest, and then the parishioners retired in a body, leaving only the strangers, who were sufficiently numerous to fill the church, to witness the conclusion of the ceremony.

Matters had now come to a point at which the interference of the legislature seemed necessary, and early in March the duke of Argyll announced to the house of lords his intention of bringing in a bill for this purpose, and his bill was accordingly introduced on the 6th of May. It was an extension of the veto-law passed by the general assembly in 1834, differing from that in extending the right of veto from male heads of families communicants to all male communicants above twenty-one years of age, and in making a distinct provision for setting aside the veto where it should be proved that the opposition was due to faction or causeless prejudice. He assured the house that the assembly and the church were willing to receive this as a healing measure, and he dwelt on the injuries which had arisen from the arbitrary enforcement of the right of patronage on former occasions. It was evident from the first that this bill would meet with considerable opposition; but it was read a first time, and then by agreement allowed to stand over until after the approaching meeting of the general assembly.

The assembly met at Edinburgh on the 20th of May, 1841, and its first act was to strike off the roll the names of the commissioners who had been sent by the seven suspended ministers sitting as the presbytery of Strathbogie. The first debate of any importance related to the abolition of patronage, which arose out of certain overtures, or proposals, sent up from the inferior church judicatories. A motion was made by Mr. Cunningham, to the effect that, "The general assembly having considered the overtures anent patronage, resolve and declare, that patronage is an evil and a grievance; has been attended with great injury to the

interests of religion, and is the main source of the difficulties in which the church is now involved; and that its abolition is necessary, in order to put the whole matter of the appointment of ministers on a right and permanent basis." Many were opposed to this motion as being ill-timed and likely to injure the prospects of the duke of Argyll's bill, and Dr. Makellar proposed an amendment simply stating that it did not appear to be for the interest of the church and people to adopt it. Dr. Cook proposed a stronger amendment—"That the overtures against patronage should be dismissed;" which was eventually carried, though the numbers for the original motion and for Dr. Cook's motion, were very nearly equal. Next day the duke of Argyll's bill was brought under the consideration of the assembly, and the evangelical party in general declared their approbation of it, and their willingness to receive it as law. Mr. Candlish, who was a very active and prominent member of that party, moved a series of resolutions, the first of which declared it to be the resolution of the assembly to adhere to the principle of non-intrusion, and to acquiesce in no arrangement by which that principle was not fully recognised. The second resolution approved of the duke of Argyll's bill, as one calculated to "provide for the maintenance and practical application of the principle of non-intrusion as asserted by the church." A third resolution was, "That the present difficulties of this church are of so serious and alarming a character, that a measure fitted to put an end to the collision now unhappily subsisting between the civil and ecclesiastical courts in reference to the settlement of ministers, ought to unite in its support all who feel that they could conscientiously submit to its operation if passed into a law." These resolutions were warmly opposed by the moderate members of the assembly, and an amendment was moved by Dr. Hill, "That the bill lately introduced into the house of peers, by the duke of Argyll, does not appear either likely to pass into a law, or calculated, if it were, to relieve the church from the difficulties under which she labours, and that, in order to the attainment of this desirable end, the steps necessary for rescinding the veto act be taken." Dr. Hill subsequently withdrew that clause in his amendment which expressed a belief that the duke's bill would not pass. But, after two days' debate, the resolutions proposed by Mr.

Candlish were carried by a very large majority. The next matter which came before the assembly was the case of the Strathbogie ministers, who appeared at the bar on the 29th of May, attended by their counsel. They admitted all the facts charged against them in the libel, but pleaded that in obeying the civil courts and the law of the land, they had done nothing which merited punishment. Dr. Chalmers, however, pressed the case very strongly against them, and urged the danger of the church if her ministers were allowed to appeal from her decisions to the authority of civil courts. He said that the only power which could decide between the ecclesiastical and civil jurisdictions in this matter was that of parliament, and to that they were now applying, not without hope that it would decide in their favour. Dr. Chalmers concluded with the following motion:—"The general assembly approve and confirm the sentence of the commission of date 18th November, 1840, sustaining the relevancy of the libel, and they now find the libel proven, with the exception of the charge therein last mentioned, founded upon the serving upon the commission a notarial protest; and they find Mr. John Cruickshank, minister of Glass, Mr. William Cowie, minister of Cairnie, Mr. William Allardyce, minister of Rhynie, Mr. William Masson, minister of Botriphnie, Mr. James Walker, minister of Huntley, Mr. James Thomson, minister of Keith, and Mr. James Alexander Cruickshank, minister of Mortlach, guilty of the offences therein charged against them respectively, under exception of the before-mentioned charge founded upon the serving the commission with the notarial protest aforesaid,—and the general assembly, in respect of these offences, charged each by itself, and involving deposition independent of the others, do hereby depose Mr. Cruickshank, &c., from the office of the holy ministry." Dr. Cook, who again led the opposition to Dr. Chalmers' motion, proposed an amendment which helps to show the exact sentiments of the two great contending parties. It was as follows:—"The general assembly having most maturely considered the libel ordered by its commission in August to be served upon Messrs. John Cruickshank, &c., and the different subsequent proceedings connected therewith, find that the whole originated from the said ministers having yielded obedience to the supreme civil tribunals of the kingdom, in a matter

declared by these tribunals to affect civil rights, with which the church requires that its judicatories should not intermeddle, such declaration on the part of the civil tribunals being, in this case, in perfect conformity with the law and practice of the church; and hence, considering it incompetent for the ecclesiastical courts to pass any sentence of censure in regard to the proceedings to which the said declaration relates,—set aside these proceedings, dismiss the libel, and declare that the ministers named in it, and against whom it was directed, are in the same situation, in all respects, as to their ministerial state and privileges, as if such libel had never been served, and such proceedings had never taken place.” The speakers of the evangelical party exclaimed bitterly against the Erastian spirit which characterised Dr. Cook’s amendment and the speech with which he supported it, and sentence of deposition was carried by the usual majority which they now commanded in the assembly, and was pronounced with due solemnity, in spite of a protest against it by the moderate party. This protest was itself the subject of a debate next day. The case of Mr. Edwards was next brought forward, and a resolution was passed, “That the general assembly approve and confirm the sentence of the commission, finding the libel relevant and proven: find Mr. Edwards guilty of the charges libelled: deprive him of his license as a probationer; and declare him incapable of accepting a call from any congregation, or of admission into any office as a minister of this church: and prohibit and discharge all ministers of the church from employing him to preach in their pulpits.” The assembly then authorised the settlement as minister of Marnoch, of Mr. Henry, who had been presented by the patrons after the rejection of Mr. Edwards by the church courts.

The next step of the seven ministers was to obtain an interdict from the court of session, against the moderator and all others, prohibiting them from carrying into effect the sentence of deposition, and a messenger-at-arms presented himself at the door of the assembly on the evening of Wednesday, the 29th of May, for the purpose of serving the officials of the assembly with it. When this was announced in the assembly, a messenger was sent to Holyrood-house to inform the lord commissioner, who immediately repaired to the place of meeting; but the messenger-at-arms had departed, leaving the

interdict in the hands of the door-keeper, with an intimation to the moderator to that effect. A good deal of animated discussion followed in the assembly, but the interdict was eventually laid on the table without being examined. Resolutions were, however, agreed to, strongly deprecating this new interference of the secular power in the spiritual court, although they were earnestly opposed by the moderate members.

The deposed members now petitioned the house of lords, and lord Aberdeen, when presenting their petition on the 15th of June, remarked with considerable bitterness on the position which the assembly had taken in the face of the civil power and of the law of the land. He declared that “the presumption manifested by the general assembly in these proceedings was never equalled by the church of Rome,—tyranny such as was exhibited in this case would annihilate the liberties of the people of this country,—but it surely would not be tolerated in the present day.” This feeling seemed to prevail in the legislature, and the duke of Argyll became convinced that it was useless to press his bill, when its further progress was stopped by an unexpected event—the dissolution of parliament and overthrow of the ministers; in consequence of which sir Robert Peel came into power. This statesman had already intimated his hostility to the claims of the general assembly, a circumstance which, probably exaggerated by those who repeated his words, was made great use of against him in the Scottish elections, and was commented upon in the newspapers in so many forms as to draw from sir Robert a letter to the duke of Argyll in vindication of himself, which was replied to by a letter from Mr. Dunlop, one of the most earnest of the leaders of the evangelical party. In the midst of these events, some of the principal leaders of the moderate party in the assembly had met in London, and there they published, “A statement for the presbytery of Strathbogie, and for the minority of the general assembly,” which was dated in June, 1841. It was signed by principal McFarlan, Dr. Hill, Dr. Bryce, Mr. Grant of Leith, and Mr. Robertson of Ellon, who declared their entire disapproval of the sentence pronounced against the Strathbogie ministers. “The minority,” it said “and those that adhere to them, cannot, in conscience, submit to this decision; they cannot, in conscience, whatever may be the

consequences, fail to act in opposition to it; as conviction is indelibly impressed on their minds, that by such submission, or even such failure to resist, they would act in palpable violation of their oaths of allegiance and of their ordinary vows." They asked, therefore, the protection of the state in the course their conscience thus dictated to them, and pointed out two ways in which this protection might be given. First, a declaratory act might be passed condemnatory of the assembly's proceedings; on which, however, they remarked—"There is reason to fear that in the present agitated state of the church, its (the legislature's) enactments, however correct and just in themselves, might prove, by their being suddenly presented to the public mind, the unhappy occasion, under the distorted views which by certain parties would be infallibly taken of them, of leading to schism, before they could be rightly understood." They, therefore, suggested as a second course, that the law officers of the crown should be instructed to maintain the authority of the civil courts in the case of the Strathbogie ministers, and that the penalties should be enforced against those who broke the interdicts.

While, however, the evangelical party avowed openly their intention to disregard the judgments of the civil courts, and acted upon this intention, the leaders of the moderate party paid the same disregard to the sentence of the assembly against the Strathbogie ministers. Towards the close of the month of July, Mr. Robertson of Ellon, Mr. Grant of Leith, and others, went to Strathbogie, and held ministerial communion with the deposed ministers by assisting them in dispensing the Lord's Supper. When the commission of the assembly met on the 11th of August, this proceeding, with the printed declaration drawn up in London, caused much excitement among the other party; and it was resolved, on the motion of Mr. Candlish, that, in order to vindicate the authority of the church, the several presbyteries to which the ministers now offending belonged, should be instructed to take their conduct into consideration, and to deal with them according to the laws of the church; and further, that a "solemn remonstrance and warning" should be prepared and addressed to those ministers, "for the purpose of pointing out the true nature of their conduct, and the deadly injury which, if persisted in, it must

needs inflict on the peace and unity of the church." This resolution was warmly opposed by Dr. Cook and others, who, when they found their opposition ineffectual, drew up a paper in which they gave their reasons of dissent, and announced their intention "to take such steps as may appear most effectual, for ascertaining from competent authority, whether we who now dissent and they who concur with us, or they who continue to set at naught the law of the land and the decisions of the supreme civil courts, in what we esteem a civil right, are to be held by the legislature of the country as constituting the established church, and as entitled to the privileges and endowments conferred by statute on the ministers of that church."

The moderate party had thus very adroitly placed their opponents in the place of aggressors, and the latter saw at once the critical position in which they stood. A special meeting of the commission was called, and held on the 25th of August, when there was a very large attendance of ministers and elders. A faint attempt was made to promote conciliatory measures, but it was of no avail; and a series of resolutions was proposed by Dr. Patrick McFarlan, declaratory of the principles advocated by the evangelical party and their determination to abide by them, but proposing a conference with the protesters in the hope of persuading them that they were in error. "What are the circumstances," he said, "in which we are called together this day? A protest was taken at the last meeting of the commission by twelve individuals. Of these, three were ministers of the gospel, one was a learned professor, and the remainder were elders of the church. They declared it to be their determination to take such steps as might appear to them effectual, for ascertaining from competent authority, whether the protesters and those who concur with them, or those who, they say, continue to set at naught the law of the land and the decisions of the supreme court, are to be held as the established church of Scotland. This language is abundantly plain. We have no difficulty in understanding its meaning. Application is to be made to the legislature for an act of parliament, the object of which is to cast us out from the church, and to keep themselves in it,—to deprive the church of the pastoral labours and superintendence of her present clergymen, and to introduce into the church

such as hold the principles to which I have referred, and those persons only." "At the reformation in Scotland," he continued, "there was a very beautiful and simple definition given of the church of Christ in this realm. It was declared to consist of those ministers of the holy evangel whom God in his mercy had raised up in this land, and of all who might succeed them in that office, and of such as communicate with them in word and ordinances. But the act of parliament for which our reverend brethren—I fear I must call them our reverend opponents—are about to sue the legislature, is an act in which a definition of a very different kind is to be given. The definition which they seek to have declared will be, that the church consists of those only who will give submission in all matters, whether civil or ecclesiastical, to the secular tribunals,—who will lay the church prostrate at the feet of the courts of law; and who, in doing so, I hesitate not to say, will cast aside the great and fundamental principles of the church of Scotland—that Christ is her only king and head, and that He has appointed her government in the hands of church officers, distinct from the civil magistrates." Dr. McFarlan's resolutions were supported by Dr. Chalmers, and were carried with only two dissentient voices. This meeting was followed by large public meetings in Glasgow and other places, in which the evangelical party declared strongly their resolution to support the majority in the assembly, while the moderate party remained comparatively quiet.

Just at this moment a new case arose in Aberdeenshire, in the presbytery of Garioch, where the presbytery proceeded in the settlement of a minister in the parish of Culsamond in a manner closely resembling that pursued by those of Strathbogie, except that, having their example before them, they proceeded to the completion of their settlement against the veto of the parishioners, much more directly and quickly. The ordination and admission took place on the 11th of November, 1841, and the matter was brought before the commission of the assembly in its meeting on the 17th of the same month. On account of the serious turn affairs were taking, the commission thought it advisable to remit the matter to its next meeting or to the ensuing general assembly, but, in the meanwhile, it prohibited the presentee, the Rev. William Middleton, from officiating and administer-

ing ordinances in the parish, and authorised the minority of the presbytery to meet and make arrangements for supplying his place in the spiritual direction of the parishioners. Mr. Middleton immediately applied to the lord ordinary, Ivory, to have the commission's prohibition set aside, and, on his refusal, obtained an interdict from the court of session, and with this set the commission at defiance.

The government now showed an inclination to assist in some arrangement for putting an end to the division in the church of Scotland, which was sought to be done by a proposed modification of lord Aberdeen's bill. A clause was suggested for this purpose by sir George Sinclair, which appears to have been alternately approved and disapproved by both parties, as they put different constructions upon it. The evangelicals seem to have clung still to the bill of the duke of Argyll; and, after long and tiresome negotiations, in which it was evident that the majority in the assembly were unwilling to accept anything less than the full concession of their demands which government was not prepared to make, the matter was dropped for the time. The rejection of this clause gave rise to a partial desertion from the ranks of the evangelical party.

In the month of January, 1842, the duke of Argyll and Mr. Campbell of Monzie, member of parliament for Argyllshire, both belonging to the evangelical party, had several interviews with the non-intrusion committee, the result of which was a resolution to introduce the duke's bill. On the 15th of March, on a motion of sir Andrew Leith Hay in the house of commons, for some papers connected with a recent settlement in a parish of which the crown was patron, sir James Graham stated that "the government had come to the decision, deeply regretting the necessity which had compelled them to do so, that it was not necessary for them to attempt legislating on the question, but that it was incumbent on them to stand by the law of the land, as laid down by the civil tribunals of the country." This drew a rather warm reply in defence of his party from Mr. Campbell of Monzie, who followed it up by moving for "a select committee to consider the constitution and principles of the church of Scotland, and to inquire into the causes of the collision between the supreme courts of that church, and the supreme civil courts, and to

report their observations thereon to the house: with power to send for persons, papers, and records.” Sir Robert Peel opposed the appointment of the committee, on the plea that it could produce no satisfactory result, and would only tend to widen instead of healing the breaches which already existed; and the motion was rejected by a very large majority. On the 14th of April, Mr. Campbell brought lord Argyll’s bill into the house of commons, which was thought a better field for it than the lords, and the second reading of it was fixed for the 4th of May, but he was induced to postpone it by a communication from the ministry to the effect that they were now seriously disposed to introduce a bill of their own, which they believed would satisfy the church. In the course of a very conciliating speech, sir James Graham said,—“I feel bound to state to the house, that since that time, from various quarters in Scotland, from parties entitled to the highest respect, as connected with the popular party, if I may so call it, in the church of Scotland, information has reached her majesty’s responsible advisers, which leads us to believe that a favourable opportunity for the settlement of these long-existing differences has arrived,—such as has not at any former period presented itself, and of which opportunity we are most anxious to avail ourselves. In consequence of these communications, it is my duty to state to my honourable friend, the member for Argyllshire, and to the house, that her majesty’s government have resumed the discussions with the party principally interested in the settlement of the question,—and without entertaining too sanguine an expectation, or wishing to raise such expectations on the part of the house, I may say that I do not despair that the result of these communications may lead to a favourable issue. Of this I am sure, that if the question is to be decided for the peace and permanent tranquillity of the people of Scotland, it must be by a measure introduced upon the responsibility of the executive government.” “The principles,” sir James went on to observe, “upon which alone the government are disposed to bring forward a measure for the settlement of the question, I will state very briefly. They are, first, to defend the civil right of the patron to his right of presentation; secondly, to defend and assert the undoubted right of the parishioners to make objections; and thirdly, to maintain what I

believe to be the right of the spiritual courts to decide upon the objections of the petitioners.” Some of the Scottish members declared their suspicions that ministers were only going to reproduce the bill of lord Aberdeen, which had already been refused by the general assembly, and they insisted upon dividing the house on the question of postponing Mr. Campbell’s bill. On a division, however, the proposal to delay the second reading of the bill was carried by a majority of a hundred and thirty-one votes to forty-three.

There were members of the evangelical party whose zeal was more moderate than that of their leaders, and who were not altogether satisfied at the rejection of lord Aberdeen’s bill, and still less so at the abandonment of the clause proposed by sir George Sinclair. These had now separated themselves from their old colleagues, and began to act with the minority in the assembly, although they did not at once identify themselves with the moderate party. They first avowed their defection at the April meeting of the synod of Glasgow and Ayr, where one of them, to give importance to their opposition, exclaimed, “there are forty of us in this synod;” from which circumstance this party became known as *the forty*. Their defection gave courage to the moderate party, and led to the general belief that there was want of unanimity in the ranks of their opponents.

The queen named as her commissioner to the general assembly of 1842 the marquis of Bute, a nobleman who it was supposed would be acceptable to the evangelical party, and whose appointment therefore might have a conciliatory effect. But he soon found that he was called to preside over men among whom there was little conciliation. The deposed ministers of Strathbogie had held their presbytery, under protection of the civil courts, and chosen two of their number and an elder from Aberdeen, as their commissioners to the assembly; while the minority of the presbytery had also chosen their representatives; so that there was a double return for this presbytery. The assembly, as might be expected, immediately rejected the nominees of the deposed majority of the presbytery, who thereupon obtained an interdict from the court of session prohibiting the other commissioners of the Strathbogie presbytery from taking their places. This gave rise to another exciting scene in the assembly; but it was finally de-

cided that no obedience should be paid to the interdict, and a resolution was passed by which the assembly, taking the responsibility on itself, invited the commissioners who had been approved to take their seats in the meeting and act as though no interdict had been issued.

Preparations were now made by the evangelicals for making their own direct appeal to the legislature, introductory to which it was resolved to enregister a decisive opinion of the assembly against the rights of patronage, which, it was represented, was the grand subject on which the civil courts laid claim to interference with the decisions of the church judicatories. The resolution on this subject, moved by the Rev. Mr. Cunningham, stated that the assembly "resolved and declared that patronage is a grievance, has been attended with much injury to the cause of true religion in this church and kingdom, is the main cause of the difficulties in which the church is at present involved, and that it ought to be abolished." Some of the evangelical majority were not prepared to go so far as this resolution implied, and voted against it; so that it was adopted by a smaller majority than usual, the numbers being two hundred and sixteen for the resolution, and a hundred and forty-seven against it.

The grand measure of this session of the assembly—the appeal to the legislature against the alleged usurpations of the courts of law, was brought before the assembly for discussion on the 24th of May. It opened with a general statement of the grievances complained of, supporting the allegations with civil as well as ecclesiastical authorities, and tracing the gradual progress of the successive invasions of the rights of the church. This bold and remarkable document concluded with the following claim, declaration, and protest, on the part of the church of Scotland:—"Therefore, the general assembly, while, as above set forth, they fully recognise the absolute jurisdiction of the civil courts in relation to all matters whatever of a civil nature, and especially in relation to all the temporalities conferred by the state upon the church, and the civil consequences attached by law to the decisions, in matters spiritual, of the church courts, do—in name and on behalf of this church, and of the nation and people of Scotland, and under the sanction of the several statutes, and the treaty of union hereinbefore recited—*claim, as of right*, that she shall freely possess and

enjoy her liberties, government, discipline, rights, and privileges according to law, especially for the defence of the spiritual liberties of her people,—and that she shall be protected therein from the foresaid unconstitutional and illegal encroachments of the said court of session, and her people secured in their christian and constitutional rights and liberties. And they *declare* that they cannot—in accordance with the word of God, the authorised and ratified standard of this church, and the dictates of their consciences—intrude ministers on reclaiming congregations, or carry on the government of Christ's church, subject to the coercion attempted by the court of session, as above set forth; and that at the risk and hazard of suffering the loss of the secular benefits conferred by the state, and the public advantages of an establishment, they must, as by God's grace they will, refuse so to do; for, highly as they estimate them, they cannot put them in competition with the inalienable liberties of a church of Christ, which, alike by their duty and allegiance to their Head and King, and by their ordination vows, they are bound to maintain, 'notwithstanding of whatsoever trouble or persecution may arise.' And they *protest*, that all and whatsoever acts of the parliament of Great Britain, passed without the consent of this church and nation, in alteration of, or derogative to, the aforesaid government, discipline, rights, and privileges of this church (which were not allowed to be treated of by the commissioners for settling the terms of the union between the two kingdoms, but were secured by antecedent stipulations provided to be inserted in the treaty of union as an unalterable and fundamental condition thereof, and so reserved from the cognizance and power of the federal legislature created by the said treaty), as also all and whatsoever sentences of courts in contravention of the same government, discipline, rights, and privileges, are, and shall be, in themselves void and null, and of no legal force or effect; and that while they will accord full submission to all such acts and sentences in so far, though in so far only, as these may regard civil rights and privileges, whatever may be their opinion of the justice and legality of the same, their said submission shall not be deemed an acquiescence therein, but that it shall be free to the members of this church, or their successors, at any time hereafter, when there shall be a prospect of obtaining justice, to

claim the restitution of all such civil rights and privileges, and temporal benefits and endowments, as for the present they may be compelled to yield up, in order to preserve to their office-bearers the free exercise of their spiritual government and discipline, and to the people the liberties of which, respectively, it has been attempted, so contrary to law and justice, to deprive them. And, finally, the general assembly call the christian people of this kingdom, and all the churches of the reformation throughout the world who hold the great doctrine of the sole headship of the Lord Jesus over his church, to witness that it is for their adherence to that doctrine, as set forth in their confession of faith, and ratified by the laws of the kingdom,—and for the maintenance by them of the jurisdiction of the office-bearers, and the freedom and privileges of the members of the church from that doctrine flowing, that this church is subjected to hardship, and that the rights so sacredly pledged and secured to her are put in peril; and they especially invite all the office-bearers and members of this church, who are willing to suffer for their allegiance to their adorable King and Head, to stand by the church, and by each other, in defence of the doctrine aforesaid, and of the liberties and privileges, whether of office-bearers or people, which rest upon it; and to unite in supplication to Almighty God, that He would be pleased to turn the hearts of the rulers of this kingdom, to keep unbroken the faith pledged to this church in former days, by statutes and solemn treaty, and the obligations come under to God himself, to preserve and maintain the government and discipline of this church in accordance with His words—or otherwise that He would give strength to this church, office-bearers, and people, to endure resignedly the loss of the temporal benefits of the establishment, and the personal sufferings and sacrifices to which they may be called, and would also inspire them with zeal and energy to promote the advancement of His Son's kingdom, in whatever condition it may be His will to place them; and that, in His own good time, He would restore to them these benefits, the fruits of the struggles and sufferings of their fathers in times past in the same cause, and thereafter give them grace to employ them more effectually than hitherto they have done, for the manifestation of His glory."

This "claim of rights," as it was called,

was recommended to the assembly by Dr. Chalmers, in one of his most vehement addresses, and was seconded by Dr. Gordon. The moderate members of the assembly saw that it was in vain to oppose the torrent directly, and they met the motion by an amendment consisting of a series of resolutions deprecatory of the threatened separation in the church and of all the proceedings which were leading to it, and summing up with the conclusion that, "there exists at present great security against the settlement of unqualified and unjustifiable ministers, whilst ample opportunities are afforded to the office-bearers of the church, as members of the different ecclesiastical judicatories, to propose, in a legal and constitutional manner, any measures which may appear to them calculated to increase that security." The debate was continued with great warmth and earnestness until three o'clock on the following morning, when, on a division, the claim of rights was adopted by two hundred and forty-one voices against a hundred and ten. The dominant party in the Scottish church thus declared that they would accept only of one alternative—if their full demands were not yielded by the legislature, they would abandon the establishment. Before the assembly closed, it was moved and resolved, on Monday, the 30th of May, that a copy of the claim of rights should be sent to the queen, and the marquis of Bute undertook to be the organ of conveying this as well as the petition of the assembly, against patronage, to the throne; but in so doing he intimated his wish to be distinctly understood as expressing no approbation of it. He placed these documents in the hands of sir James Graham on the 17th of June, and sir James replied to him on the 20th in a letter which the marquis immediately communicated to the moderator of the general assembly. "If," the minister said in this letter, "the presentation of these documents to the queen implied, in the least degree, the adoption of their contents, I should not hesitate to declare, that a sense of duty would restrain me from laying them before her majesty; but as the language used in the two addresses is respectful, and as the inclosure purports to be a statement of grievances from the supreme ecclesiastical authority in Scotland, I am unwilling to intercept their transmission to the throne. I shall, therefore, lay before the queen your lordship's letter, with all the documents accompanying it, declaring, at

the same time, that this act is not to be regarded as any admission whatever of the claim of rights, or of the grievances which are alleged."

Meanwhile, as the government saw by all these symptoms that it would be useless to bring forward any intermediate measure, they gave up their design of bringing in a bill on the subject; and on the 15th of June, the day to which the second reading of the bill of Mr. Campbell of Monzie had been postponed, he and his friends were prepared to go on with it. But a new difficulty was found, which put a stop to all further proceedings. It was the object of the bill to modify the law of patronage, if not to abolish it, and the crown held the patronage of a great number of the churches to which the bill was intended to apply. The speaker now announced that no bill which affects any of the rights of the crown can be introduced into parliament till the consent of the crown has been obtained. As this objection was insisted upon, the measure brought in by Mr. Campbell necessarily fell to the ground.

The assembly and its commission were still occupied with the now minor consideration of recalcitrant ministers and presbyteries, and lord Kinnoul and Mr. Young had not given up the Auchterarder case. As the presbytery of Auchterarder refused to obey the civil court in taking Mr. Young upon trial, the court had awarded him damages against the members of the presbytery to the amount of ten thousand pounds, and this decision was finally confirmed by the house of lords, on the 9th of August (1842), the judges who pronounced this decision being lords Lyndhurst, Cottenham, Brougham, and Campbell. When this decision was known, some of the leaders of the evangelical party consulted together, and put their names to a circular calling an extraordinary meeting, or convocation, of their party, to assemble on the 17th of November. "You must be aware," said this circular, "that the late decision of the house of lords, in the case of Auchterarder, has practically placed the church of Scotland in a state of subordination to the civil courts such as no past generation of presbyterian ministers in this country would have submitted to, and such as all, until within these few years, would have regarded as something too violent and unnatural to be ever realised. In these circumstances, it appears expedient that those ministers

who hold the supreme jurisdiction of the church, in things spiritual, to be indispensable to the maintenance of a pure gospel in the land, should have an opportunity of full and unreserved converse with each other,—in order that their common mind on this vitally momentous question may be distinctly ascertained, and such an expression of it given forth as, by the blessing of God, may have the effect of removing that aggression of the civil power, which, if not removed, must speedily terminate in the degradation and overthrow of our national establishment." The 17th of November had been chosen as the day of meeting, because it was the day immediately following that of the quarterly meeting of the commission of the general assembly. In this meeting, a committee was appointed to prepare and transmit a memorial to government on the subject of the late decision of the courts of law, and of the claim of right which had been sent up by the assembly. Next day the convocation was held in Roxburgh church, a small place of worship in an obscure part of Edinburgh, chosen on that account as likely to give more privacy to the meeting. Every effort had been made to bring together on this occasion every minister of the evangelical party from one extremity of Scotland to the other, and so successfully that no less than four hundred and sixty-five ministers attended. A series of resolutions was agreed upon, in accordance with the principles set forth in the "claim of right," and it was resolved in conclusion, "That it is the duty of the ministers now assembled, and of all who adhere to their views, to make a solemn representation to her majesty's government, and to both houses of parliament, setting forth the imminent and extreme peril of the establishment, the inestimable value of the benefits which it bestows on the country, and the pain and reluctance with which they are forced to contemplate the possibility of the church's separation, for conscience sake, from the state,—respectfully calling upon the rulers of this nation to maintain the constitution of the kingdom inviolate, and to uphold a pure establishment of religion in the land,—and, finally, intimating that as the endowments of the church are undoubtedly at the disposal of the supreme power of the state, with whom it rests either to continue to the church her possession of them, free from any limitation of her spiritual jurisdiction and freedom, or to with-

draw them altogether; so it must be the duty of the church, and consequently in dependence on the grace of God, it is the determination of the brethren now assembled,—if no measure such as they have declared to be indispensable be granted,—to tender the resignation of those civil advantages which they can no longer hold in consistency with the free and full exercise of their spiritual functions, and to cast themselves on such provision as God, in his providence, may afford,—maintaining still uncompromised, the principle of a right scriptural connexion between the church and state, and solemnly entering their protest against the judgments of which they complain, as, in their decided opinion, altogether contrary to what has ever hitherto been understood to be the law and constitution of this country.” Three hundred and fifty-four of the ministers who attended the convocation put their signatures to these resolutions. It was further agreed that an address to the people of Scotland should be drawn up and printed, which was circulated in great numbers throughout that part of the island, and a memorial was addressed to the members of the government. They told the ministers of the crown, in this document, that—“They feel that the time is come when the final determination of this question can be postponed no longer; and as they cannot disguise from themselves, so neither would they deem it right to conceal from the government and the country, the inevitable result of a continued refusal, on the part of the legislature, of that indispensable measure of relief which they think they have a good right to ask, and good reason to expect. Their situation, in truth, is most painful and embarrassing. They cannot conduct the affairs of the church in the manner which the civil courts have prescribed; they could not themselves remain in the communion of a church which should agree to regulate her procedure according to the principles now held to be involved in the civil law: nor can they allow others, in the same communion, to do so. But it is well known that a large minority of the church’s office-bearers are prepared, in obedience to the civil courts, to cast off her authority; and were the church, while continuing to claim the advantages secured to her by law, to persevere, as she must in principle do, in maintaining her discipline over all who, under whatever civil sanction or compulsion, transgress her orders and violate her laws,

founded, as she believes, on the word of God, not only would she be exposed to grievous obloquy and reproach, but a spectacle both painful and scandalous must, in all probability, be exhibited, of two sections of the same church striving with one another in the use of civil pains on the one hand, and spiritual censures on the other.” Considering this, “the memorialists are not ashamed to confess, that they shrink from such an exhibition as would thus be presented before the people of Scotland,—and this is one practical consideration, among others, which has weighed much in determining them to bring this whole question to a final issue,—and to retire from their position, as connected with the establishment, rather than prolong an unseemly contest with the civil courts which deny, and with their own brethren who set at nought, their jurisdictions; a contest which could not fail to be attended with most disastrous consequences, affecting both the majesty of law and the highest interests of religion.” In conclusion, “the memorialists beg leave very respectfully to remind her majesty’s government, of the obligation under which states and their rulers lie to Him by whom kings reign and princes decree justice; whose cause they are bound to espouse, whose church it is alike their interest and their duty to support and secure in all the freedom with which He has endowed it. The memorialists deeply feel the solemnity of the question now submitted to the decision of parliament and of the nation; it being in the spirit of the memorialists nothing less than the question whether the church, unalterably established in Scotland, is to be preserved inviolate, according to the faith of treaties,—or whether this great kingdom is to commit, as the memorialists would regard it, the heinous national offence of not only breaking the national faith, but disowning the authority of Christ in his own house, and refusing to recognise His church as a free spiritual society, instituted by Him, and governed by His laws alone.”

Another recent act of the assembly, under the influence of the evangelical party, was now called in question. By the chapel act of 1834, a considerable body of the clergy had been brought into the general assembly, who had not before been capable of bearing office in the church. In the August of 1839, the Rev. James Clelland, a minister of Stewarton in the presbytery of Irvine, was elected into that presbytery, and steps

were taken according to the provisions of the chapel act, to form a parochial district for him; but they had not proceeded far before some of the heritors of Stewarton intimated their objections to this measure, and the right of Mr. Clelland to sit in the presbytery was disputed. Notes of suspension and interdict were subsequently obtained from the court of session, prohibiting the presbytery from innovating on the existing state of the parish, and Mr. Clelland from sitting, acting, and voting as a member of the presbytery. When the presbytery next met, its members were divided in opinion, and it was decided by a majority to refer the matter to the assembly. This new case of collision between the church and the civil courts went on much in the same way as those connected with the question of patronage, until on the 20th of January, 1843, the final decision of the court of session was pronounced against the church. Earlier in the same month, the government had sent its reply to the claim of rights and the petition against patronage, which were also adverse to the claims of the church. Under these circumstances a special meeting of the commission of the assembly was held on the 31st of January, at which Dr. Cook, relying on the recent judgment of the court of session, moved that all who sat in the commission under the chapel bill should be removed as incapable of sitting there, and when he found that this motion could not be carried, he entered a protest against the commission as illegally constituted, and then with the other members of the moderate party withdrew. The commission then proceeded to pass resolutions adhering to the petition of rights, and condemning the view of it taken by the government, and they resolved to make a final appeal to parliament. A petition was accordingly drawn up and presented to the house of commons, by Mr. Fox Maule, on the 10th of February. On the 7th of March, Mr. Fox Maule brought the subject formally before the house, by moving for a committee to inquire into the grievances of which the petitioners complained. The motion was opposed by sir James Graham, who declared that he considered the claim of rights, and the expectation implied in it of having a law and jurisdiction acknowledged which was independent of, and contrary to, the law of the land, to be so unjust and unreasonable, "that the sooner that house extinguished it the better,

because he was satisfied that any such expectation never could be realised in any country in which law, equity, or order, or common sense prevailed." Sir Robert Peel was equally decided against the petitioners; and after a debate of two nights, in rather a thin house, the motion was rejected by two hundred and eleven votes against seventy-six. Of the thirty-seven Scotch members who were present, twenty-five voted with Mr. Maule, and twelve against him.

All hope was thus destroyed of obtaining an acknowledgment by the legislature of the claims of the evangelical party in the Scottish church, and they had now no alternative but to yield, or to separate themselves from the establishment. They chose the latter course. A committee was formed under the management of Dr. Chalmers for raising funds by voluntary subscription for the support of the ministers who should relinquish the incomes which they had hitherto received from the establishment, and to support a church on the "voluntary system," which had always been a favourite project with many of those who were now acting with him. Meanwhile meetings were held by the evangelical party, and a protest was drawn up, throwing all the blame of the approaching disruption on the supreme civil power, which was soon numerously signed. On the other side, the moderates, protesting against the rights of those who sat in the church courts, tried to divide the presbyteries in the elections of commissioners to the general assembly wherever they could, and no less than twelve different presbyteries made double returns; that is, each sent up two sets of commissioners, one set elected by the evangelical party, and the other by the moderate party, each party asserting that its commissioners alone were duly and legally elected.

The day of meeting of the general assembly was Thursday, the 18th of May, and the marquis of Bute attended as the queen's commissioner. The sermon, preached by Dr. Welsh, the moderator of the former assembly, dwelt strongly on the important question which was now uppermost in everybody's mind. The assembly was held in St. Andrew's church, and no sooner were the preliminary ceremonies over, than Dr. Welsh rose and addressed the meeting as follows:—"Fathers and brethren, according to the usual form of procedure, this is the time for making up the roll; but in consequence of certain proceedings affecting our

rights and privileges—proceedings which have been sanctioned by her majesty's government and by the legislature of the country—and more especially in respect that there has been an infringement on the liberties of our constitution, so that we could not now constitute this court without a violation of the terms of the union between church and state in this land, as now authoritatively declared, I must protest against our proceeding further. The reasons that have led me to come to this conclusion are fully set forth in the document which I hold in my hand, and which, with the permission of the house, I shall now proceed to read." He then produced the protest of the evangelical party, which was signed by two hundred and three members of the assembly, and which began with stating—"We, the undersigned ministers and elders, chosen as commissioners to the general assembly of the church of Scotland, indited to meet this day, but precluded from holding the said assembly, by reason of the circumstances hereinafter set forth, in consequence of which a free assembly of the church of Scotland, in accordance with the laws and constitution of the said church, cannot now be holden,—consider, that the legislature, by their rejection of the claim of rights adopted by the last general assembly of the said church, and their refusal to give redress and protection against the jurisdiction assumed and the coercion of late repeatedly attempted to be exercised over the courts of the church, in matters spiritual, by the civil courts, have recognised and fixed the conditions of the church establishment, as henceforward to subsist in Scotland, to be such as these have been pronounced and declared by the said civil courts in their several recent decisions, in regard to matters spiritual and ecclesiastical." After stating the various questions involved in these decisions, the protest went on—"We, therefore, the ministers and elders aforesaid, on this the first occasion since the rejection by the legislature of the church's claim of rights, when the commissioners chosen from throughout the bounds of the church to the general assembly appointed to have been this day holden, are convened together, do protest that the conditions aforesaid, while we deem them contrary to and subversive of the settlement of church government, effected at the revolution, and solemnly guaranteed by the act of security and treaty of union, are also at variance with God's word, in opposition to the

doctrines and fundamental principles of the church of Scotland, inconsistent with the freedom essential to the right constitution of a church of Christ, and incompatible with the government which He, as the head of His church, hath therein appointed, distinct from the civil magistrate. And we further protest, that any assembly constituted in submission to the conditions now declared to be law, and under the civil coercion which has been brought to bear, in the election of commissioners to the assembly this day appointed to have been holden, and on the commissioners chosen thereto, is not, and shall not be deemed a free and lawful assembly of the church of Scotland, according to the original and fundamental principles thereof, and that the claim, declaration, and protest, of the general assembly which convened at Edinburgh in May, 1842, as the act of a free and lawful assembly of the said church, shall be holden as setting forth the true constitution of the said church, and that the said claim, along with the laws of the church now subsisting, shall in nowise be affected by whatsoever acts and proceedings of any assembly constituted under the conditions now declared to be the law, and in submission to the coercion now imposed on the establishment. And, finally, while firmly asserting the right and duty of the civil magistrate to maintain and support an establishment of religion in accordance with God's word, and reserving to ourselves and our successors to strive by all lawful means, as opportunity shall, in good providence, be offered, to secure the performance of this duty agreeably to the scriptures, and in implement of the statutes of the kingdom of Scotland, and the obligations of the treaty of union, as understood by us and our ancestors, but acknowledging that we do not hold ourselves at liberty to retain the benefits of the establishment while we cannot comply with the conditions now deemed to be thereto attached,—we protest, that in the circumstances in which we are placed, it is and shall be lawful for us, and such other commissioners chosen to the assembly appointed to have been this day holden, as may concur with us, to withdraw to a separate place of meeting, for the purpose of taking steps for ourselves and all who adhere to us—maintaining with us the confession of faith and standards of the church of Scotland as heretofore understood—for separating, in an orderly way, from the

establishment; and thereupon adopting such measures as may be competent to us, in humble dependence on God's grace and the aid of the Holy Spirit, for the advancement of his glory, the extension of the gospel of our Lord and Saviour, and the administration of the affairs of Christ's house, according to his holy word: and we do now for the purpose foresaid withdraw accordingly, humbly and solemnly acknowledging the hand of the Lord in the things which have come upon us, because of our manifold sins and the sins of the church and nation; but, at the same time, with an assured conviction, that we are not responsible for any consequences that may follow from this our enforced separation from an establishment which we loved and prized—through interference with conscience, the dishonour done to Christ's crown, and the rejection of His sole and supreme authority as king in His church."

When he had concluded the reading of this protest, Dr. Welsh laid it upon the table, and, after bowing respectfully to the queen's commissioner, walked solemnly out of the assembly. He was followed by Dr. Chalmers, and then by others of the leaders of his party in the church, and finally by all those who acted with them. They were received in the street by a numerous crowd, who congratulated them with loud cheers, and they proceeded to a large hall which had been taken in the suburb of Canonmills, at the northern extremity of Edinburgh, in which they again assembled, and Dr. Welsh, having taken the chair, opened the meeting with a solemn prayer. He then addressed the meeting, and proposed Dr. Chalmers as moderator of what he claimed to be the "free assembly." The choice was approved unanimously and enthusiastically, and the new moderator immediately assumed the chair. Dr. Chalmers then addressed the assembly on their prospects, and they proceeded to choose clerks. The protest was then read again, and was ordered to lie on the table for further signatures; and a committee was appointed to consider in what way those who had signed it should give in the renunciation of their livings. The "free assembly" continued its sittings until Tuesday, the 30th of May. A deed of demission, drawn up according to the forms of law, was laid upon the table on the 23rd of May, in which, after repeating the substance of the protest, those who had signed it made the following declaration:—

"And further, the said ministers and elders, in this their general assembly convened, while they refuse to acknowledge the supreme ecclesiastical judicatory established by law in Scotland, and now holding its sittings in Edinburgh, to be a free assembly of the church of Scotland, or a lawful assembly of the said church, according to the true and original constitution thereof, and disclaims its authority as to matters spiritual, yet in respect of the recognition given to it by the state, and the powers in consequence of such recognition belonging to it with reference to the temporalities of the establishment, and the rights derived thereto from the state, hereby appoint a duplicate of this act, to be subscribed by their moderator, and also by the several ministers, members of this assembly, now present in Edinburgh, for their individual interests, to be transmitted to the clerk of the said ecclesiastical judicatory, by law established, for the purpose of certiorating them, that the benefices held by such of the said ministers, or others, adhering to this assembly, as were incumbents of benefices, are now vacant, and the said parties consent that the said benefices shall be dealt with as such." This deed of demission was signed eventually by four hundred and seventy-four ministers.

To return to the general assembly in St. Andrew's church, when the protesters had withdrawn, the party called "the forty" stepped forward to occupy their places, and they, with the moderate party, now proceeded to constitute the assembly, and to proceed with the business which was to come before them in that capacity. One of their earliest acts was to reverse those of the late evangelical majority. On the morning of Monday, the 22nd of May, the question of the veto law was brought before the assembly, and Dr. Cook proposed to consider it as an act null and void in itself, and moved that "it be an instruction by the general assembly to all presbyteries, that they proceed henceforth in the settlement of parishes according to the practice which prevailed previously to the passing of that act." "The forty" opposed this way of proceeding, alleging that as the veto law was a *bona fide* act of the church, it ought to be repealed in a constitutional way, and it was moved as an amendment that an overture should be transmitted to the presbyteries for the repeal of this act in the old constitutional way. In the course of the

debate, principal Lee expressed doubts as to the assembly as it then stood exhibiting a full representation of the church. He objected that twenty presbyteries and various burghs were not represented at all; and said that he hesitated with regard to the degree of weight which might be given to a house so inadequately representing the church. He would have no hesitation in agreeing to any motion suspending the operation of this act till another general assembly should meet; as that was a different thing from absolutely and in all time coming undoing what had been done by a former assembly. This objection, however, was overruled, and Dr. Cook's motion was agreed to without a division. The same day "the forty" made a still firmer stand against the proposal of Dr. Mearns that the sentences of suspension and deposition which had been pronounced against the seven ministers should be considered as being *ab initio* null and void, and that without more ado those ministers were to be held and recognised as having always been, and as being then, in full possession of all their ministerial and presbyterial rights and privileges. Mr. Storie of Roseneath, who appeared as the leader of "the forty," went so far as to say that he feared, if this proposal were persevered in, it would lead to another secession; but, after some debate, Dr. Mearns's motion was carried by a majority of a hundred and forty-eight voices against thirty-three, and no further opposition was offered to it. Next day, the act of 1833, admitting the ministers of the parliamentary churches to be office-bearers, that of 1834, admitting the ministers of chapels of ease to the same rights, and that of 1839, giving them to the ministers of the associate synod who had then returned to the communion of the established church, were expunged from the church records as having been incompetently passed. From general acts, the assembly proceeded to persons, and Mr. Edwards and Mr. Middleton were cleared of censure and their settlements confirmed, and his license was restored to Mr. Clark, the presentee to Lethendy.

On the 24th of May, the assembly took under its consideration the protest and the act of disrapture. Dr. Cook moved that the churches of those ministers who had signed the protest should at once be declared vacant, and that the necessary steps should be taken to have a similar declaration

pronounced in regard to all other ministers who should adhere to the protest. "It will be proper," Dr. Cook said in the course of his speech, "that an examination of the minutest kind should be made of this protest; that a formal answer to it should be drawn up, which should be widely circulated throughout the country. We are, I have no doubt," he went on to say, "agreed upon the point, that the pleas put forth by the protesters are in a very great degree fallacious pleas; that their views of acts of parliament are erroneous views; and we are perfectly as one in this, that their interpretations of these acts are not interpretations which, down to the last assembly, have ever been put upon the statutes, or were considered by the assembly to be legitimate interpretations. I therefore think it necessary, and it should be understood, that there is to be a committee appointed to prepare such a minute answer as I have suggested, and that that will be done after the discussion of this day." This motion was adopted unanimously, and the committee appointed accordingly. The report of this committee, which was brought up on the morning of Monday, the 29th of May, the day when the assembly closed its session, was not considered sufficiently explicit, and several unsuccessful attempts were made to effect the object by a series of resolutions. A motion was at last made by Mr. Robertson of Ellon, to the effect "that a paper so important as the protest under consideration, requires to be answered with greater care, and with fuller leisure for mature deliberation than it has been found possible to give it, during the pressure of business which the assembly have had to sustain; and also that, in questions involving important points of jurisdiction, the bearings of the various judgments which have been recently pronounced by the civil courts in the numerous cases that have arisen from the illegal maintenance, on the part of the church, of the act on calls, and of the act with reference to parliamentary and *quoad sacra* churches, should be very carefully and maturely considered,—the general assembly recommit the whole case for the further consideration of their committee, and instruct them accordingly to report on the whole case to the commission in August." The report was duly given in to the August commission when it met, and was appointed to be taken into consideration on the following day, but when that day

came the commission could not be constituted for want of a quorum, and the answer to the protest seems to have dropped.

The queen's letter to this assembly contained the following passage :—"The church of Scotland, occupying its true position in friendly alliance with the state, is justly entitled to expect the aid of parliament in removing any doubts which may have arisen with respect to the right construction of the statutes relating to the admission of ministers. You may safely confide in the wisdom of parliament, and we shall readily give our assent to any measure which the legislature may pass, for the purpose of securing to the people the full privilege of objection, and to the church judicatories the exclusive right of judgment." The evangelical party looked upon this paragraph as a derisory offer of lord Aberdeen's bill, while the assembly which they had left having reduced things to the condition in which they stood previous to these disputes, was inclined strongly to

the opinion that no bill of any kind was now necessary. In deference, however, to lord Aberdeen, the assembly after some discussion agreed to a paragraph in their answer to the queen's letter intimating their willingness to accept of an act of the nature which that letter implied. Accordingly, a bill to regulate the admission of ministers, similar in principle to that which had before been proposed by lord Aberdeen, was brought by him into the house of lords on the 13th of June, 1843, and, though it met with some obstinate opposition, was carried successfully through the legislature. Next year, a bill was brought in by sir James Graham, which also passed into law, excluding the ministers of the *quoad sacra* churches from the government or courts of the church, and making an endowment of a hundred and twenty pounds a-year, and the consent of a majority of the heritors of the parish and of the court of teinds, necessary to the establishment of a new congregation.

THE END.



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